

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 24, 2019

Assembly called to order at 2:50 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hambrick and Neal, who were excused, and one vacant.

Prayer by the Chaplain, Reverend Tony Brandon.

God, thank You for all that You have helped us to accomplish this week. Thank You for all the people You have helped us to assist. Help us to continue to remember the high calling and privilege You have given to us to serve the people of the state of Nevada. May we never take it for granted. We continue to covet Your wisdom and guidance for today. May all that is done today be for the benefit of all.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 125, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN B. SPIEGEL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 538; Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 95, 230, 260, 285, 290, 304, 334, 450, 453, 472, 478, 488, 490, 496; Assembly Joint Resolutions Nos. 3, 4, 6, 7, 8; Assembly Joint Resolution No. 2 of the 79th Session; Senate Bill No. 102.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 41, Amendment No. 727; Assembly Bill No. 62, Amendment No. 799; Assembly Bill No. 164, Amendment No. 667; Assembly Bill No. 226, Amendment No. 767; Assembly Bill No. 298, Amendment No. 856; Assembly Bill No. 397, Amendment No. 825; Assembly Bill No. 458, Amendment No. 793; Assembly Bill No. 462, Amendment No. 711; Assembly Bill No. 465, Amendment No. 770, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 440, Amendment No. 774, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 698 to Senate Bill No. 30; Assembly Amendment No. 653 to Senate Bill No. 46; Assembly Amendment No. 672 to Senate Bill No. 383.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly dispense with the reprinting of all bills for this legislative day.

Motion carried.

Assemblywoman Benitez-Thompson moved that all bills reported out of committee with amendment be placed at the top of General File for this legislative day.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 125 and Senate Bills Nos. 186, 302, 311, 435, and 461 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 77, 365, 432, and 453 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Concurrent Resolution No. 3 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

Senate Concurrent Resolution 9.

Assemblywoman Jauregui moved the adoption of the resolution.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Concurrent Resolution 9 directs the Legislative Commission to conduct an interim study of the requirements for the reapportionment and redistricting of election districts for Nevada's members of the State Legislature, the United States House of Representatives, and the Board of Regents of the Nevada System of Higher Education.

The study must include an examination and monitoring of any redistricting systems, a review of pertinent case law, a review of redistricting programs, and the continuation of Nevada's participation in programs of the U.S. Census Bureau.

The Legislative Commission must report to the 2021 Legislature the results of the study and any action to be taken in preparation for and recommendations concerning reapportionment and redistricting.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 102.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 77.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 949.

AN ACT relating to hospitals; revising provisions governing purchasing by a county hospital and a hospital in a county hospital district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county hospital or a hospital in a county hospital district to purchase supplies, materials and equipment through the purchasing contracts of the company that manages the hospital, if applicable, or through a purchasing group in which the hospital is a member without complying with the competitive bidding requirements in the Local Government Purchasing Act if: (1) the prices for the supplies, materials or equipment were obtained through a process of competitive bidding; and (2) the governing body of the county hospital or the board of trustees of the hospital district, as applicable, determines that the purchase price is lower than the lowest price that could be attained through the competitive bidding process set forth in the Local Government Purchasing Act. (NRS 450.191, 450.525, 450.530, 450.720, 450.725, 450.730)

~~[This] **With certain exceptions, this** bill includes services in the types of purchases that a county hospital or district hospital is authorized to make through the purchasing contracts of the company that runs the hospital, if applicable, or through a purchasing group without complying with the competitive bidding requirements in the Local Government Purchasing Act, for for public works. This bill additionally requires the governing body of a county hospital or the board of trustees of a hospital district to ensure that if the services to be purchased are for work on a project that qualifies as a public work, the prevailing wages will be paid for those services.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 450.008 is hereby amended to read as follows:

450.008 "Purchasing group" means a cooperative organization of hospitals and other health care organizations that affiliate for the purpose of combining their purchasing power to secure a lower cost for their purchases of supplies, materials, ~~and~~ equipment **and services** than would be available to the members of the purchasing group individually.

Sec. 2. NRS 450.191 is hereby amended to read as follows:

450.191 1. The governing body of a county hospital may contract with a company which manages hospitals for the rendering of management services in a county hospital under the ultimate authority of the governing body.

2. The agreement may provide:

(a) That the administrator of the hospital must be an employee of the company which manages the hospital; and

(b) ~~That~~ **Except as otherwise provided in this paragraph, that** the hospital may, in accordance with the requirements of NRS 450.530, purchase supplies, materials, ~~and~~ equipment **and services** through the purchasing contracts of the company which manages the hospital, or through a purchasing group, without complying with the requirements for competitive bidding set forth in ~~chapter~~ ~~chapters~~ 332 ~~and 338~~ of NRS. **The hospital may not purchase services or otherwise enter into an agreement pursuant to this paragraph for:**

(1) The hiring of temporary or permanent staff through a vendor or employment agency to perform any medical or nursing care.

(2) Any work for which a contractor's license issued pursuant to chapter 624 of NRS is required.

↪ The provisions of this paragraph do not prohibit the hospital from purchasing specialty equipment which requires installation services that must be performed by a person who holds a contractor's license issued pursuant to chapter 624 of NRS and which are specific to a particular project and are not commonly used in public works projects.

Sec. 3. NRS 450.525 is hereby amended to read as follows:

450.525 1. A county hospital may, with the approval of the governing body of the hospital, become a member of a purchasing group for the purpose of purchasing supplies, materials, ~~and~~ equipment **and services** used by the county hospital.

2. ~~A~~ **Except as otherwise provided in this subsection, a** county hospital that becomes a member of a purchasing group may, in accordance with the requirements of NRS 450.530, purchase supplies, materials, ~~and~~ equipment **and services** through the purchasing group without complying with the requirements for competitive bidding set forth in ~~chapter~~ ~~chapters~~ 332 ~~and 338~~ of NRS. **A county hospital may not purchase services or otherwise enter into an agreement pursuant to this subsection for:**

(a) The hiring of temporary or permanent staff through a vendor or employment agency to perform any medical or nursing care.

(b) Any work for which a contractor's license issued pursuant to chapter 624 of NRS is required.

↪ The provisions of this subsection do not prohibit a county hospital from purchasing specialty equipment which requires installation services that must be performed by a person who holds a contractor's license issued pursuant to chapter 624 of NRS and which are specific to a particular project and are not commonly used in public works projects.

Sec. 4. NRS 450.530 is hereby amended to read as follows:

450.530 A county hospital that is authorized pursuant to NRS 450.191 or 450.525 to purchase supplies, materials, ~~and~~ equipment **and services** in accordance with this section through the purchasing contracts of the company that manages the hospital or through a purchasing group may purchase the

supplies, materials, ~~and~~ equipment *and services* without complying with the requirements for competitive bidding set forth in chapter ~~chapters~~ 332 ~~and 338~~ of NRS if:

1. The documents pertaining to the proposed purchase, including, without limitation, the prices available to the company or purchasing group, are summarized in writing and, together with a sworn statement by an officer or agent of the company or purchasing group that the prices were obtained by the company or purchasing group through a process of competitive bidding, are presented to the governing body of the county hospital at its next regularly scheduled meeting; and

2. The governing body, after reviewing the summary and statement, finds that the proposed purchase will be made at a lower price than the lowest price reasonably obtainable by the hospital through competitive bidding pursuant to chapter ~~chapters~~ 332 ~~and 338~~ of NRS or available to the hospital pursuant to NRS 333.470 and approves the proposed purchase ~~and~~

~~3. The governing body ensures that if the services to be purchased are for work on a project that qualifies as a public work, as defined in NRS 338.010, the prevailing wages will be paid for those services in compliance with the provisions of NRS 338.013 to 338.090, inclusive.~~

Sec. 5. NRS 450.720 is hereby amended to read as follows:

450.720 1. The board of trustees may contract with a company which manages hospitals for the rendering of management services in a district hospital.

2. The agreement may provide:

(a) That the chief executive officer of the hospital must be an employee of the company which manages the hospital; and

(b) ~~That~~ *Except as otherwise provided in this paragraph, that* the hospital may, in accordance with the requirements of NRS 450.730, purchase supplies, materials, ~~and~~ equipment *and services* through the purchasing contracts of the company which manages the hospital, or through a purchasing group, without complying with the requirements for competitive bidding set forth in chapter ~~chapters~~ 332 ~~and 338~~ of NRS. *The hospital may not purchase services or otherwise enter into an agreement pursuant to this paragraph for:*

(1) The hiring of temporary or permanent staff through a vendor or employment agency to perform any medical or nursing care.

(2) Any work for which a contractor's license issued pursuant to chapter 624 of NRS is required.

↪ The provisions of this paragraph do not prohibit the hospital from purchasing specialty equipment which requires installation services that must be performed by a person who holds a contractor's license issued pursuant to chapter 624 of NRS and which are specific to a particular project and are not commonly used in public works projects.

Sec. 6. NRS 450.725 is hereby amended to read as follows:

450.725 1. A district hospital may, with the approval of the board of trustees, become a member of a purchasing group for the purpose of purchasing supplies, materials, ~~and~~ equipment *and services* used by the district hospital.

2. ~~1. A~~ *Except as otherwise provided in this subsection, a* district hospital that becomes a member of a purchasing group may, in accordance with the requirements of NRS 450.730, purchase supplies, materials, ~~and~~ equipment *and services* through the purchasing group without complying with the requirements for competitive bidding set forth in ~~chapter~~ ~~chapters~~ 332 ~~and 338~~ of NRS. *A district hospital may not purchase services or otherwise enter into an agreement pursuant to this subsection for:*

(a) The hiring of temporary or permanent staff through a vendor or employment agency to perform any medical or nursing care.

(b) Any work for which a contractor's license issued pursuant to chapter 624 of NRS is required.

↪ The provisions of this subsection do not prohibit a district hospital from purchasing specialty equipment which requires installation services that must be performed by a person who holds a contractor's license issued pursuant to chapter 624 of NRS and which are specific to a particular project and are not commonly used in public works projects.

Sec. 7. NRS 450.730 is hereby amended to read as follows:

450.730 A district hospital that is authorized pursuant to NRS 450.720 or 450.725 to purchase supplies, materials, ~~and~~ equipment *and services* in accordance with this section through the purchasing contracts of the company that manages the hospital or through a purchasing group may purchase the supplies, materials, ~~and~~ equipment *and services* without complying with the requirements for competitive bidding set forth in ~~chapter~~ ~~chapters~~ 332 ~~and 338~~ of NRS if:

1. The documents pertaining to the proposed purchase, including, without limitation, the prices available to the company or purchasing group, are summarized in writing and, together with a sworn statement by an officer or agent of the company or purchasing group that the prices were obtained by the company or purchasing group through a process of competitive bidding, are presented to the board of trustees at its next regularly scheduled meeting; and

2. The board of trustees, after reviewing the summary and statement, finds that the proposed purchase will be made at a lower price than the lowest price reasonably obtainable by the hospital through competitive bidding pursuant to ~~chapter~~ ~~chapters~~ 332 ~~and 338~~ of NRS or available to the hospital pursuant to NRS 333.470 and approves the proposed purchase ~~;~~ and

~~3. The board of trustees ensures that if the services to be purchased are for work on a project that qualifies as a public work, as defined in NRS 338.010, the prevailing wages will be paid for those services in compliance with the provisions of NRS 338.013 to 338.090, inclusive.]~~

Sec. 8. This act becomes effective upon passage and approval.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 365.

Bill read third time.

The following amendment was proposed by Assemblywoman Spiegel:

Amendment No. 768.

AN ACT relating to health insurance; making various changes concerning health carriers granting third-party access to certain provider networks; providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, health carriers may establish networks of providers of health care to provide health care services to covered persons. (Chapter 687B of NRS) Providers of health care include, but are not limited to, physicians, nurses, chiropractors, dentists and physical therapists. (NRS 687B.660). **Section 1** of this bill provides that it is an unfair method of competition subject to an administrative fine pursuant to NRS 686A.187 to knowingly utilize a provider of health care's contractual discount without a contractual relationship. **Sections 7-11** of this bill establish a contractually protected system for health carriers to enter contracts with third parties to give them access to certain provider network contracts and information about a provider of health care's services and discounts. **Section 7** excludes certain insurance plans and coverages from the provisions of this bill. **Section 8** of the bill requires certain disclosures in a health carrier's provider network contracts with providers of health care and authorizes third parties to sign a contract to access a network contract. **Section 8** also requires that a health carrier maintain a website with certain information about third parties which have access to the network contract. **Section 9** of this bill allows a third party to enter contracts with other third parties under the same terms and conditions as their contract. **Section 10** of this bill requires a third party to establish a website to identify other entities to which it has granted access to provider network contracts. **Section 11** of this bill requires that health carriers and third parties comply with **sections 8 and 10** when submitting remittance advice and explanation of payments to providers of health care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

It constitutes an unfair method of competition or an unfair or deceptive act or practice in the business of insurance to knowingly access or utilize a contractual discount of a provider of health care pursuant to a provider

network contract without a contractual relationship with the provider of health care, health carrier or third party as specified in sections 7 to 11, inclusive, of this act.

Sec. 2. NRS 686A.010 is hereby amended to read as follows:

686A.010 The purpose of NRS 686A.010 to 686A.310, inclusive, **and section 1 of this act**, is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress approved March 9, 1945, being c. 20, 59 Stat. 33, also designated as 15 U.S.C. §§ 1011 to 1015, inclusive, and Title V of Public Law 106-102, 15 U.S.C. §§ 6801 et seq.

Sec. 3. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 11, inclusive, of this act.

Sec. 4. *“Direct notification” means a written or electronic communication from a health carrier to a provider of health care documenting third-party access to a network.*

Sec. 5. *“Provider network contract” means a contract between a health carrier and a provider of health care specifying the rights and responsibilities of the health carrier and the provider of health care for delivery of health care services pursuant to a network plan.*

Sec. 6. *“Third party” means an organization that enters into a contract with a health carrier or with another third party to gain access to a provider network contract.*

Sec. 7. *Sections 7 to 11, inclusive, of this act, do not apply:*

1. To provider network contracts for health care services provided to covered persons under Medicare or the State Plan for Medicaid, or the Children’s Health Insurance Program.

2. In circumstances where access to the provider network contract is granted to an entity operating under the same brand license program as the contracting entity.

3. To a health benefit plan which provides:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof.

(b) Coverage issued as a supplement to liability insurance.

(c) Coverage for on-site medical clinics.

(d) Coverage under a blanket student accident and health insurance policy.

(e) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits.

4. To credit insurance.

5. To the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope ~~(dental or)~~ vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

6. To the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

7. To any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, TRICARE, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 8. 1. A health carrier shall not grant access to services and contractual discounts of a provider of health care pursuant to a provider network contract unless:

(a) The provider network contract specifically states that the health carrier may enter into an agreement with a third party allowing the third party to obtain the rights and responsibilities of the health carrier under the provider network contract as if the third party were the health carrier; and

(b) The third party accessing the provider network contract is contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract.

2. A health carrier that grants access to services and contractual discounts of a provider of health care pursuant to a provider network contract shall:

(a) Identify and provide to the provider of health care, upon request at the time a provider network contract is entered into with a provider of health care, a written or electronic list of all third parties known at the time of contracting to which the health carrier has or will grant access to the services and contractual discounts of a provider of health care pursuant to a provider network contract.

(b) Maintain an Internet website or other readily available mechanism, such as a toll-free telephone number, through which a provider of health care may obtain a listing, at least every 90 days, of the third parties with which the health carrier or another third party has executed contracts to

grant access to such services and contractual discounts of a provider of health care pursuant to a provider network contract.

(c) Provide the third party with sufficient information regarding the provider network contract to enable the third party to comply with all relevant terms, limitations and conditions of the provider network contract.

(d) Require that the third party who contracts with the health carrier to gain access to the provider network contract identify the source of the contractual discount taken by the third party on each remittance advice or explanation of payment form furnished to a provider of health care when such discount is pursuant to the provider network contract of the health carrier.

(e) Notify the third party who contracts with the health carrier to gain access to the provider network contract of the termination of the provider network contract not later than 90 days prior to the effective date of the final termination of the provider network contract. The notice required under this paragraph may be delivered through any reasonable means, including, without limitation, a written notice, electronic communication, or an update to an electronic database or other provider of health care listing.

(f) Require that those that are by contract eligible to claim the right to access a discounted rate of a provider of health care to cease claiming entitlement to those rates or other contracted rights or obligations for services rendered after termination of the provider network contract.

3. Subject to any continuity of care requirements, agreements or contractual provisions:

(a) Not less than 30 days before the date of termination of a provider network contract, a health carrier shall provide written notification of the contract termination to the affected providers of health care and covered persons;

(b) A third party's right to access services and contractual discounts of a provider of health care pursuant to a provider network contract shall terminate not earlier than 90 days after the provider network contract is terminated;

(c) Claims for health care services performed after the termination date of the provider network contract are not eligible for processing and payment in accordance with the provider network contract; and

(d) Claims for health care services performed before the termination date of the provider network contract, but processed after the termination date, are eligible for processing and payment in accordance with the provider network contract.

4. All information made available to a provider of health care in accordance with the requirements of sections 7 to 11, inclusive, of this act is confidential and must not be disclosed to any person or entity not involved in the provider of health care's practice or business or the administration thereof without the prior written consent of the health carrier.

5. *Nothing contained in sections 7 to 11, inclusive, of this act shall be construed to prohibit a health carrier from requiring the provider of health care to execute a reasonable confidentiality agreement to ensure that confidential or proprietary information disclosed by the health carrier is not used for any purpose other than the direct practice or business management or billing activities of the provider of health care.*

Sec. 9. 1. *A third party, having itself been granted access to services and contractual discounts of a provider of health care pursuant to a provider network contract, that subsequently grants access to another third party, is obligated to comply with the rights and responsibilities imposed on contracting entities pursuant to sections 8 and 10 of this act.*

2. *A third party that enters into a contract with another third party to access services and contractual discounts of a provider of health care pursuant to a provider network contract is obligated to comply with the rights and responsibilities imposed on third parties under this section.*

Sec. 10. 1. *A third party shall inform the health carrier and providers of health care under the provider network contract of the health carrier of the location of a website, toll-free number, or other readily available mechanism to identify the name of a person or entity to which the third party subsequently grants access to the services and contractual discounts of the provider of health care pursuant to the provider network contract.*

2. *The website must be updated on a routine basis when additional persons or entities are granted access. The website must be updated every 90 days to reflect all current persons and entities with access. Upon request, a health carrier shall make access to information available to a provider of health care via telephone or through direct notification.*

Sec. 11. 1. *A health carrier and third parties are obligated to comply with sections 8 and 10 of this act concerning the services referenced on a remittance advice or explanation of payment. A provider of health care may refuse the discount taken on the remittance advice or explanation of payment if the discount is taken without a contractual basis or in violation of section 7 or 9 of this act. An error in the remittance advice or explanation of payment may be corrected not more than 30 days after given notice of the error by the provider of health care.*

2. *A health carrier may not lease, rent or otherwise grant to a third party, access to a provider network contract unless the third party accessing the provider network contract is:*

(a) *A payer or third party, administrator or other entity that administers or processes claims on behalf of the payer;*

(b) *A preferred provider of health care organization or preferred provider of health care network, including a physician organization or a physician-hospital organization; or*

(c) *An entity engaged in the electronic claims transport between the health carrier and the payer that does not provide access to the services and discounts of a provider of health care to any other third party.*

Sec. 12. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, *and sections 4 to 11, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 687B.605 to 687B.665, inclusive, *and sections 4, 5 and 6 of this act* have the meanings ascribed to them in those sections.

Sec. 13. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2020, for all other purposes.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 432.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 908.

AN ACT relating to financial services; imposing certain requirements on certain transactions in which a person provides money to a consumer who has a pending legal action in exchange for certain proceeds from that legal action; requiring certain persons who engage in such transactions to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-38.9 of this bill establish provisions relating to transactions in which a person provides a consumer who has a pending legal claim in this State with money **in an amount that does not exceed \$500,000** and the consumer assigns to that person the right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained as a result of the legal action of the consumer. **Section 10** of this bill designates this type of transaction as a "consumer litigation funding transaction." **Section 8** of this bill designates the provider of money to a consumer in such a transaction as a "consumer litigation funding company."

Sections 18, 19 and 19.3 of this bill generally require a contract to enter into a consumer litigation funding transaction to meet certain requirements and contain certain disclosures relating to the amount of fees the consumer will be charged and the rights of the consumer with regard to the consumer litigation funding transaction.

Section 20 of this bill prohibits a consumer litigation funding company from: (1) paying or accepting certain referral fees or commissions; (2) referring a consumer to engage certain professionals; (3) advertising false information; (4) entering into a consumer litigation funding transaction with a consumer who has already received money from another company, with certain

exceptions; (5) making decisions with regard to the legal claim of the consumer; and (6) paying certain legal fees of the consumer with money from the consumer funding transaction.

Section 21 of this bill requires the amount the consumer is required to pay the consumer litigation funding company in exchange for the money received by the consumer to be set as a predetermined amount. **Section 21** prohibits a company from charging fees that exceed a rate of 40 percent annually.

Section 25 of this bill prohibits a person from engaging in business as a consumer litigation funding company without a license issued by the Commissioner of Financial Institutions. **Section 25** provides that a person who engages in such business without a license is guilty of a misdemeanor. **Sections 26-32** of this bill set forth the application process to obtain such a license and set forth certain requirements an applicant must meet.

Sections 35 and 36 of this bill require a person who has obtained a license to engage in business as a consumer litigation funding company to maintain assets of at least \$50,000 and to keep certain records. **Section 36.2** of this bill requires the Commissioner to make an annual examination of a licensee. **Sections 38.3 and 38.6** of this bill authorize the Commissioner to impose fines and suspend or revoke the license of a licensee for certain violations of the provisions of this bill. **Section 38.2** of this bill authorizes the Commissioner to take certain additional actions against a licensee or certain other persons for violations of the provisions of this bill. **Section 38** of this bill requires each licensee to submit to the Commissioner an annual report with certain information regarding the activities of the licensee in the preceding year and to make the information contained in the report available to the public not later than 1 year after the report is submitted. **Section 38.9** of this bill authorizes: (1) a person to file a complaint against a licensee; and (2) the Commissioner to investigate and hold hearings concerning such a complaint. **Sections 36.4, 36.6 and 38.95** of this bill require a licensee to pay certain assessments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38.9, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Advertise” means the commercial use of any medium, including, without limitation, radio, television, the Internet or a similar medium of communication, by a consumer litigation funding company for the purpose of inducing a consumer to enter into a consumer litigation funding transaction.*

Sec. 3.5. *“Applicant” means a person who applies to the Commissioner to obtain a license to engage in the business of a consumer litigation funding*

company pursuant to the provisions of this chapter. The term does not include a parent company or affiliate of such a person.

Sec. 4. *“Charges” means the amount of money to be paid to a consumer litigation funding company by a consumer above the funded amount provided by the consumer litigation company to the consumer. The term includes, without limitation, administrative fees, origination fees, underwriting fees or other fees, however denominated. The term does not include a document preparation fee.*

Sec. 5. *“Commissioner” means the Commissioner of Financial Institutions.*

Sec. 6. *“Consumer” means a natural person who:*

- 1. Resides or is domiciled in this State; and*
- 2. Has a pending legal claim.*

Sec. 7. *“Consumer litigation funding” means the money provided directly or indirectly to a consumer by a consumer litigation funding company in a consumer litigation funding transaction.*

Sec. 8. 1. *“Consumer litigation funding company” or “company” means a person that enters into a consumer litigation funding transaction with a consumer.*

2. The term does not include:

- (a) An immediate family member of a consumer;*
- (b) An attorney or accountant who provides services to a consumer;*
- (c) A medical provider that provides medical services on the basis of a lien against any potential litigation recovery;*
- (d) A medical factoring company; or*
- (e) A financial institution or similar entity:*
 - (1) That provides financing to a consumer litigation funding company;*

or

- (2) To which a consumer litigation funding company grants a security interest or transfers any right or interest in a consumer litigation funding transaction.*

Sec. 9. *“Consumer litigation funding contract” means a written agreement between a consumer and a consumer litigation funding company that provides for a consumer litigation funding transaction.*

Sec. 10. *“Consumer litigation funding transaction” means a nonrecourse transaction in which:*

- 1. A consumer litigation funding company provides consumer litigation funding to a consumer ~~for~~ in an amount that does not exceed \$500,000; and*

- 2. The consumer assigns to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained in the legal claim of the consumer.*

Sec. 10.5. *“Document preparation fee” means a one-time fee per legal claim, not to exceed \$500, assessed for document preparation services related to the preparation of a consumer litigation funding contract.*

Sec. 11. *“Funded amount” means the amount of consumer litigation funding provided to or on behalf of a consumer in a consumer litigation funding transaction. The term does not include charges.*

Sec. 12. *“Funding date” means the date on which a company transfers to a consumer the funded amount of consumer litigation funding.*

Sec. 13. *“Immediate family member” means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.*

Sec. 14. *“Legal claim” means a bona fide civil claim or cause of action.*

Sec. 15. *“Licensee” means a person who has been issued one or more licenses to engage in the business of a consumer litigation funding company.*

Sec. 16. *“Resolution date” means the date upon which:*

1. *A consumer, or a person on behalf of a consumer, delivers to a consumer litigation company an amount of money equivalent to the funded amount plus any agreed upon charges; or*

2. *The legal claim of a consumer is lost or abandoned.*

Sec. 17. *The Commissioner may adopt regulations for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter.*

Sec. 18. 1. *A consumer litigation funding contract must:*

(a) *Be written in a clear and comprehensible language that is understandable to an ordinary layperson.*

(b) *Be filled out completely when presented to the consumer for signature.*

(c) *Contain a provision advising a consumer of the right to cancel the contract. Such a provision must provide that the consumer may cancel the contract without penalty or further obligation if, within 5 business days after the funding date, the consumer:*

(1) *Delivers in person to the consumer litigation funding company, at the address specified in the contract, the uncashed check issued by the consumer litigation funding company or the full amount of money that was disbursed to the consumer by the consumer litigation funding company; or*

(2) *Mails, by insured, certified or registered mail, to the address specified in the contract, a notice of cancellation and includes in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to the consumer by the consumer litigation funding company.*

(d) *Contain the initials of the consumer on each page.*

(e) *Contain a statement that the consumer is not required to pay any other fees or charges other than what is agreed to and disclosed within the contract.*

(f) *If the consumer seeks more than one consumer litigation funding contract with the same company, contain a disclosure providing the cumulative amount due from the consumer for all consumer litigation funding transactions, including, without limitation, all fees and charges under all consumer litigation funding contracts if repayment is made any time after the contracts are executed.*

(g) *Contain a statement of the maximum amount the consumer may be obligated to pay under the consumer litigation funding contract other than in the case of material breach, fraud or misrepresentation by the consumer.*

(h) *Contain clear, conspicuous and accurate details of how charges, including, without limitation, any applicable fees, are incurred or accrued.*

(i) *Contain a statement that the consumer litigation funding contract is governed by the laws of the State of Nevada.*

2. *A consumer litigation contract must contain a written acknowledgment by the attorney retained by the consumer in the legal claim of the consumer attesting to the following:*

(a) *To the best of the knowledge of the attorney, the funded amount and any charges and applicable fees relating to the consumer litigation funding have been disclosed to the consumer.*

(b) *The attorney is being paid on a contingency basis pursuant to a written fee agreement.*

(c) *All proceeds of the legal claim will be disbursed via the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer.*

(d) *The attorney is following the written irrevocable instructions of the consumer with regard to the consumer litigation funding transaction.*

(e) *The attorney is obligated to disburse money from the legal claim and take any other steps to ensure that the terms of the consumer litigation funding contract are fulfilled.*

(f) *The attorney has not received a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding, nor will the attorney receive such fee or other consideration in the future.*

(g) *The attorney has not provided advice related to taxes, benefits or any other financial matter regarding this transaction.*

3. *A consumer litigation funding contract that does not contain the written acknowledgment required by paragraph (c) of subsection 2 is void. If the acknowledgment is completed, the contract shall remain valid if the consumer terminates the representation of the initial attorney or retains a new attorney with respect to the legal claim of the consumer.*

Sec. 19. *A consumer litigation funding contract must contain the disclosures specified in this section, which shall constitute material terms of the contract. Except as otherwise provided in this section, the disclosure shall be typed in at least 12-point bold type or font and be placed clearly and conspicuously within the contract, as follows:*

1. *On the front page of the contract under appropriate headings, language specifying:*

(a) *The funded amount to be paid to the consumer by the consumer litigation funding company;*

(b) *An itemization of one-time charges and fees;*

(c) *The maximum total amount to be assigned by the consumer to the company, including, without limitation, the funded amount and all charges and fees; and*

(d) *A payment schedule to include the funded amount, charges and fees, listing all dates and the amount due at the end of each 180-day period from the funding date, until the date the maximum amount is due to the company by the consumer to satisfy the amount due under the consumer litigation funding contract.*

2. *Within the body of the contract, substantially the following form:*

Consumer's right to cancellation: You may cancel this contract without penalty or further obligation within five (5) business days after the funding date if you either:

1. *Deliver in person to the consumer litigation funding company at the address specified in the contract the uncashed check that was issued by the consumer litigation funding company or the full amount of money that was disbursed to you by the company; or*

2. *Mail, by insured, certified or registered mail, to the consumer litigation funding company at the address specified in the contract a notice of cancellation and include in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to you by the company.*

3. *Within the body of the contract, in substantially the following form:*

The consumer litigation funding company shall not have a role in deciding whether, when and how much the legal claim is settled for. The consumer and the attorney of the consumer shall notify the company of the outcome of the legal claim by settlement or adjudication before the resolution date. The company may seek updated information about the status of the legal claim. The company shall not interfere with the independent professional judgment of the attorney in the handling of the legal claim or any settlement thereof.

4. *Within the body of the contract, in all capital letters and in at least a 12-point bold type or font contained within a box:*

THE FUNDED AMOUNT AND AGREED UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE KNOWINGLY PROVIDED

**FALSE INFORMATION OR COMMITTED FRAUD AGAINST
(INSERT NAME OF THE CONSUMER LITIGATION FUNDING
COMPANY).**

5. *Located immediately above the place on the contract where the signature of the consumer is required, in 12-point bold type or font:*

Do not sign this contract before you read it completely. Do not sign this contract if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract before you sign this contract. You should obtain the advice of an attorney. Depending on the circumstances, you may wish to consult a tax, public or private benefit planning or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning or financial advice regarding this transaction. You further acknowledge that your attorney has explained the terms and conditions of the consumer litigation funding contract.

6. *Within the body of the contract, in substantially the following form:*

A copy of the executed contract must be promptly delivered to the attorney for the consumer.

Sec. 19.3. 1. *A consumer litigation funding contract must include a written disclosure, signed by the consumer that is typed in at least a 12-point font.*

2. *The disclosure described in subsection 1 must be separate from the consumer litigation funding contract described in section 19 of this act.*

3. *The disclosure described in subsection 1 must include, without limitation:*

(a) A summary of all applicable charges and fees;

(b) The full cost of the consumer litigation funding transaction, written in bold font;

(c) The full amount of the consumer litigation funding;

(d) A statement that the attorney retained by the consumer in the legal claim of the consumer is being retained on a contingency basis pursuant to a written fee agreement;

(e) A statement that the consumer is fully informed and aware that all proceeds of the legal claim of the consumer will be disbursed via the trust account of the retained attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer;

(f) A statement that the retained attorney has not received and will not receive a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding transaction; and

(g) An acknowledgment, signed by the consumer, that the consumer was fully informed and aware of the charges and fees and the full cost of the

consumer litigation funding transaction at the time of the execution of the consumer litigation funding contract.

Sec. 19.7. If a consumer cancels a consumer litigation funding contract pursuant to section 18 of this act, the consumer litigation funding company shall promptly forward notice of the cancellation to the attorney or law firm retained by the consumer in the legal claim of the consumer.

Sec. 20. 1. A consumer litigation funding company shall not:

(a) Pay or offer to pay a commission, referral fee or other form of consideration to an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person, for referring a consumer to the company.

(b) Accept a commission, referral fee or other form of consideration from an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person.

(c) Intentionally advertise materially false or misleading information regarding the products or services of the consumer litigation funding company.

(d) Refer a consumer to engage a specific attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person. A company may refer a consumer in search of legal representation to a lawyer referral service operated, sponsored or approved by the State Bar of Nevada or a local bar association.

(e) Except as otherwise provided in subsection 2, knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company without first making payment to or purchasing the entire funded amount and charges of that company, unless a lesser amount is otherwise agreed to in writing by the consumer litigation funding companies.

(f) Receive any right to, or make, any decisions with respect to the conduct, settlement or resolution of the legal claim of a consumer.

(g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees during or after the resolution of the legal claim of a consumer using money from a consumer litigation funding transaction.

2. Two or more consumer litigation funding companies may agree to contemporaneously provide consumer litigation funding to a consumer if the consumer and the attorney of the consumer agree to the arrangement in writing.

3. An attorney or law firm retained by the consumer in connection with his or her legal claim shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

4. An attorney who has referred the consumer to his or her retained attorney or law firm shall not have a financial interest in the consumer

litigation funding company offering consumer litigation funding to that consumer.

5. A consumer litigation funding company shall not use any form of consumer litigation funding contract in this State unless the contract has been filed with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 21. 1. A consumer litigation funding company shall require the amount to be paid to the company under a consumer litigation funding contract to be set as a predetermined amount based upon intervals of time from the funding date though the resolution date. The amount must not exceed the funded amount plus charges not to exceed a rate of 40 percent annually.

2. The amount to be paid to a company under a consumer litigation funding contract must not be determined as a percentage of the recovery of the legal claim of a consumer.

Sec. 22. 1. If a court of competent jurisdiction determines that a consumer litigation funding company has willfully committed a deceptive and abusive violation of this chapter with regard to a specific consumer litigation funding transaction, the contract shall be void.

2. Nothing in this chapter shall be construed to restrict the exercise of powers or the performance of the duties of the Attorney General which he or she is authorized to exercise or perform by law.

Sec. 23. 1. The contingent right to receive an amount of the potential proceeds of a legal claim is assignable by a consumer.

2. Nothing in this chapter shall be construed to cause any consumer litigation funding transaction conforming to this chapter to be deemed a loan or to be subject to any of the provisions of law governing loans. A consumer litigation funding transaction that complies with this chapter is not subject to any other statutory or regulatory provisions governing loans or investment contracts. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.

3. Only a lien imposed by an attorney pursuant to NRS 18.015 that is related to the legal claim of the consumer or a lien imposed by Medicare that is related to the legal claim of a consumer takes priority over any lien imposed by a consumer litigation funding company. All other liens take priority by normal operation of law.

Sec. 24. Any communication between the attorney of a consumer in a legal claim and a consumer litigation funding company as it pertains to a consumer litigation funding transaction is subject to the attorney-client privilege, including, without limitation, the work-product doctrine.

Sec. 25. 1. A person shall not engage in the business of a consumer litigation funding company in this State without having first obtained a license from the Commissioner pursuant to this chapter.

2. For the purpose of this section, a person is “engaged in the business of a consumer litigation funding company” if the person:

(a) Solicits or engages in consumer litigation funding transactions in this State; or

(b) Is located in this State and solicits or engages in consumer litigation funding transactions outside of this State.

3. Any person and the several members, officers, directors, agents and employees thereof who violate or participate in the violation of this section are guilty of a misdemeanor.

Sec. 25.5. The provisions of section 25 of this act shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatever, including, but not thereby limiting the generality of the foregoing:

1. The loan, forbearance, use or sale of credit (as guarantor, surety, endorser, comaker or otherwise), money, goods, or things in action.

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended.

3. Receiving or charging compensation for goods or services, whether or not sold, delivered or provided.

4. The real or pretended negotiation, arrangement or procurement of a loan through any use or activity of a third person, whether real or fictitious.

Sec. 26. 1. A person who wishes to obtain a license from the Commissioner to engage in the business of a consumer litigation funding company shall submit an application to the Commissioner. The application must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:

(a) If the applicant is a natural person, the name and address of the applicant.

(b) If the applicant is a business entity, the name and address of each:

(1) Partner;

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

(5) Registered agent,

↪ of the business entity.

(c) Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity.

(d) The address of each location at which the applicant proposes to do business under the license.

2. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant submits with the application for a

license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

↪ The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.

3. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner shall not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 27. 1. In addition to any other requirements set forth in this chapter, each applicant must submit:

(a) Proof satisfactory to the Commissioner that the applicant:

(1) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(2) Has not made a false statement of material fact on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted or, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(6) If the applicant is a natural person:

(I) Is at least 21 years of age; and

(II) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the denial or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for a license.

Sec. 28. 1. *In addition to any other requirements, a natural person who applies for a license pursuant to this chapter shall:*

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. *The Commissioner shall include the statement required pursuant to subsection 1 in:*

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Commissioner.

3. *A license as a consumer litigation funding company may not be issued or renewed by the Commissioner if the applicant:*

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. *If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

Sec. 29. 1. *If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed as a consumer litigation funding company, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the licensee by the district*

attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate the license of a licensee that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 30. 1. An application submitted to the Commissioner pursuant to section 26 of this act must be accompanied by:

(a) A nonrefundable fee of not more than \$1,000 for the application and survey;

(b) Any additional expenses incurred in the process of investigation as the Commissioner deems necessary; and

(c) A fee of not less than \$200 and not more than \$1,000.

2. An applicant shall, at the time of filing an application, file with the Commissioner, a surety bond payable to the State of Nevada and satisfactory to the Commissioner in an amount not to exceed \$50,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond must provide that the applicant will faithfully conform to and abide by the provisions of this chapter and to all regulations lawfully made by the Commissioner under this chapter and to any such person any and all amounts of money that may become due or owing to this State or to such person from the applicant under this chapter during the period for which the bond is given.

3. Each bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must secure the faithful performance of the obligations of the licensee respecting the provision of the services of the consumer litigation funding company.

4. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of business regulated by this chapter give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

5. The liability of the surety on a bond is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. *The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after the earlier of:*

(a) The death of the licensee or the dissolution or liquidation of his or her business; or

(b) The termination of the bond.

7. *A licensee or his or her surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.*

8. *The Commissioner shall adopt regulations establishing the amount of the fees and the bond required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account created by NRS 232.545.*

Sec. 31. 1. *Upon the filing of the application and the payment of the fees, the Commissioner shall investigate the facts concerning the application and the requirements provided for in this chapter.*

2. *The Commissioner may hold a hearing on the application at a time not less than 30 days after the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as the Commissioner may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other person as the Commissioner may see fit, at least 10 days before the date set for the hearing.*

3. *The Commissioner shall make his or her order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.*

4. *An applicant is entitled to a hearing on the question of the qualifications of the applicant for licensure upon written request to the Commissioner if:*

(a) The Commissioner has notified the applicant in writing that the application has been denied; or

(b) The Commissioner has not issued a license within 60 days after the application for a license was filed.

5. *A request for a hearing may not be made more than 15 days after the Commissioner has mailed a written notice to the applicant that the application has been denied and stating in substance the findings of the Commissioner supporting the denial of the application.*

6. *The Commissioner may adopt regulations to carry out the provisions of this section.*

Sec. 32. *If the Commissioner finds:*

1. *That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter;*

2. *That the applicant has complied with the provisions of this chapter; and*

3. *That the applicant has available for the operation of the business liquid assets of at least \$50,000,*

↳ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 33. 1. *A licensee who wishes to change the address of an office or other place of business for which he or she has a license pursuant to the provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.*

2. *Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.*

3. *If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed \$1,000.*

Sec. 34. *A license issued pursuant to this chapter is not transferable or assignable.*

Sec. 35. *Every licensee shall maintain assets of at least \$50,000 either used or readily available for use in the conduct of the business of each licensed office.*

Sec. 35.5. *A licensee who has an office or other place of business located outside of this State shall file with the Commissioner the information required pursuant to NRS 77.310 and continuously maintain a registered agent for service of legal process. Such agent must be an attorney who is licensed to practice law in this State and who has an office located in this State.*

Sec. 36. 1. *Each licensee shall keep and use in his or her business such books and accounting records as are in accord with sound and accepted accounting practices.*

2. *Each licensee shall maintain a separate record or ledger card for the account of each borrower and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.*

3. *Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.*

4. *Each licensee who operates an office or other place of business outside this State that is licensed pursuant to this chapter shall:*

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

Sec. 36.2. 1. At least once each year, the Commissioner or his or her authorized representative shall make an examination of the place of business of each licensee and of the transactions, books, papers and records of each licensee that pertain to the business licensed under this chapter.

2. For each examination conducted pursuant to subsection 1, the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 36.4. Each licensee shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.

Sec. 36.6. In addition to any other fee provided by this chapter, the Commissioner shall assess and collect from each licensee the reasonable cost of auditing the books and records of a licensee.

Sec. 37. A licensee shall not conduct the business of a consumer litigation funding company under any name or at a place other than stated in the license. Nothing in this section shall be construed to prohibit:

1. Consumer litigation funding transactions by mail; or

2. Accommodations for a consumer when necessitated by hours of employment, sickness or other emergency situations.

Sec. 38. 1. On or before January 31 of each year, a licensee shall submit a report to the Commissioner containing:

(a) The number of consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year;

(b) A summation of the total funded amount of the consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year, expressed in dollars; and

(c) The annual percentage charged to each consumer when repayment was made.

2. If a licensee operated more than one office or provides consumer litigation funding to persons outside of the State, the licensee shall submit a composite report of all consumer litigation funding transactions in which the company engaged for the immediately preceding year.

3. The Commissioner shall make the information contained in the report available to the public upon request in a manner which maintains the confidentiality of the name of each company and consumer.

Sec. 38.2. 1. The Commissioner may enforce this chapter and regulations adopted pursuant thereto by taking one or more of the following actions:

(a) Ordering a licensee or a director, employee or other agent of a licensee to cease and desist from any violations;

(b) Ordering a licensee or a director, employee or other agent of a licensee who has caused a violation to correct the violation, including, without limitation, making restitution of money to a person aggrieved by a violation;

(c) Imposing on a licensee or a director, employee or other agent of a licensee who has caused a violation a civil penalty not to exceed \$5,000 for each violation; or

(d) Suspending or revoking the license of a licensee in accordance with section 38.6 of this act.

2. If a person violates or knowingly authorizes, directs or aids in the violation of a final order issued pursuant to paragraph (a) or (b) of subsection 1, the Commissioner may impose a civil penalty not to exceed \$10,000 for each violation.

3. The Commissioner may maintain an action to enforce this chapter in any county in this State.

4. The Commissioner may recover the reasonable costs of enforcing subsections 1, 2 and 3, including, without limitation, attorney's fees, based on the hours reasonably expended and the hourly rates for attorneys of comparable experience in the community.

5. In determining the amount of a civil penalty imposed pursuant to subsection 1 or 2, the Commissioner shall consider the seriousness of the violation, the good faith of the violator, any previous violations by the violator and any other factor the Commissioner considers relevant to the determination of a civil penalty.

Sec. 38.3. 1. The Commissioner may impose an administrative fine of not more than \$50,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter.

2. The Commissioner shall afford to any person fined pursuant to subsection 1 reasonable notice and an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. A person fined by the Commissioner pursuant to subsection 1 is entitled to judicial review of the decision of the Commissioner in the manner provided by chapter 233B of NRS.

Sec. 38.6. 1. The Commissioner may suspend or revoke a license if:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay an applicable tax, fee or assessment; or

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter.

2. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

3. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

4. Unless otherwise provided in an order, the order for the revocation or suspension of a license applies only to the license granted to a person for the particular location for which grounds for revocation or suspension exist.

5. A licensee upon whom a fine has been imposed or whose license was suspended or revoked pursuant to this section is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 38.8. 1. Except as otherwise provided in this section, if a licensee willfully:

(a) Enters into a consumer litigation funding contract for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;

(b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or

(c) Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,

↳ the consumer litigation funding contract is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the consumer litigation funding transaction.

2. The provisions of this section do not apply if:

(a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

Sec. 38.9. 1. *A consumer, an attorney for a consumer or any other person who believes that any provision of this chapter has been violated may file a complaint with the Commissioner. Such a complaint must include:*

(a) The full name and address of the person filing the complaint;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved in the alleged violation; and

(c) A certification by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge and belief of the person.

2. *Upon the receipt of a complaint filed pursuant to subsection 1, the Commissioner may investigate and conduct hearings concerning the complaint.*

Sec. 38.95. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(i) Credit union that is supervised pursuant to chapter 678 of NRS.

(j) Consumer litigation funding company that is supervised pursuant to the chapter consisting of sections 2 to 38.9, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 39. 1. Notwithstanding the amendatory provisions of this act, a consumer litigation funding company that ~~submits~~:

(a) Holds a license issued pursuant to chapter 675 of NRS on or before October 1, 2019; and

(b) Submits an application for licensure pursuant to section 26 of this act on or before January 1, 2020,

↪ shall be deemed to hold a license to engage in the business of a consumer litigation funding company issued pursuant to section 32 of this act and may continue to conduct consumer litigation funding transactions while the application for licensure is pending approval or denial.

2. The Commissioner of Financial Institutions may adopt regulations for the administration and enforcement of this section.

3. As used in this section:

(a) “Consumer litigation funding company” has the meaning ascribed to it in section 8 of this act.

(b) “Consumer litigation funding transaction” has the meaning ascribed to it in section 10 of this act.

Sec. 40. The amendatory provisions of this act do not apply to any contract entered into before July 1, 2019, until the contract is amended, extended or renewed.

Sec. 41. Sections 28 and 29 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

1. Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

2. Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 926.

AN ACT relating to financial services; imposing certain requirements on certain transactions in which a person provides money to a consumer who has a pending legal action in exchange for certain proceeds from that legal action; requiring certain persons who engage in such transactions to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-38.9 of this bill establish provisions relating to transactions in which a person provides a consumer who has a pending legal claim in this State with money and the consumer assigns to that person the right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained as a result of the legal action of the consumer. **Section 10** of this bill designates this type of transaction as a “consumer litigation funding transaction.” **Section 8** of this bill designates the provider of money to a consumer in such a transaction as a “consumer litigation funding company.”

Sections 18, 19 and 19.3 of this bill generally require a contract to enter into a consumer litigation funding transaction to meet certain requirements and contain certain disclosures relating to the amount of fees the consumer will be charged and the rights of the consumer with regard to the consumer litigation funding transaction.

Section 20 of this bill prohibits a consumer litigation funding company from: (1) paying or accepting certain referral fees or commissions; (2) referring a consumer to engage certain professionals; (3) advertising false information; (4) entering into a consumer litigation funding transaction with a consumer who has already received money from another company, with certain exceptions; (5) making decisions with regard to the legal claim of the consumer; and (6) paying certain legal fees of the consumer with money from the consumer funding transaction.

Section 21 of this bill requires the amount the consumer is required to pay the consumer litigation funding company in exchange for the money received by the consumer to be set as a predetermined amount. **Section 21** prohibits a company from charging fees that exceed a rate of 40 percent annually.

Section 25 of this bill prohibits a person from engaging in business as a consumer litigation funding company without a license issued by the Commissioner of Financial Institutions. **Section 25** provides that a person who engages in such business without a license is guilty of a misdemeanor. **Sections 26-32** of this bill set forth the application process to obtain such a license and set forth certain requirements an applicant must meet.

Sections 35 and 36 of this bill require a person who has obtained a license to engage in business as a consumer litigation funding company to maintain assets of at least \$50,000 and to keep certain records. **Section 36.2** of this bill requires the Commissioner to make an annual examination of a licensee. **Sections 38.3 and 38.6** of this bill authorize the Commissioner to impose fines and suspend or revoke the license of a licensee for certain violations of the provisions of this bill. **Section 38.2** of this bill authorizes the Commissioner to take certain additional actions against a licensee or certain other persons for violations of the provisions of this bill. **Section 38** of this bill requires each licensee to submit to the Commissioner an annual report with certain information regarding the activities of the licensee in the preceding year and to make the information contained in the report available to the public not later than 1 year after the report is submitted. **Section 38.9** of this bill authorizes: (1) a person to file a complaint against a licensee; and (2) the Commissioner to investigate and hold hearings concerning such a complaint. **Sections 36.4, 36.6 and 38.95** of this bill require a licensee to pay certain assessments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38.9, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Advertise” means the commercial use of any medium, including, without limitation, radio, television, the Internet or a similar medium of communication, by a consumer litigation funding company for the purpose of inducing a consumer to enter into a consumer litigation funding transaction.*

Sec. 3.5. *“Applicant” means a person who applies to the Commissioner to obtain a license to engage in the business of a consumer litigation funding company pursuant to the provisions of this chapter. The term does not include a parent company or affiliate of such a person.*

Sec. 4. *“Charges” means the amount of money to be paid to a consumer litigation funding company by a consumer above the funded amount provided by the consumer litigation company to the consumer. The term includes, without limitation, administrative fees, origination fees, underwriting fees or other fees, however denominated. The term does not include a document preparation fee.*

Sec. 5. *“Commissioner” means the Commissioner of Financial Institutions.*

Sec. 6. *“Consumer” means a natural person who:*

- 1. Resides or is domiciled in this State; and*
- 2. Has a pending legal claim.*

Sec. 7. “Consumer litigation funding” means the money provided directly or indirectly to a consumer by a consumer litigation funding company in a consumer litigation funding transaction.

Sec. 8. 1. “Consumer litigation funding company” or “company” means a person that enters into a consumer litigation funding transaction with a consumer.

2. The term does not include:

- (a) An immediate family member of a consumer;
- (b) An attorney or accountant who provides services to a consumer;
- (c) A medical provider that provides medical services on the basis of a lien against any potential litigation recovery;
- (d) A medical factoring company; or
- (e) A financial institution or similar entity:
 - (1) That provides financing to a consumer litigation funding company;

or

(2) To which a consumer litigation funding company grants a security interest or transfers any right or interest in a consumer litigation funding transaction.

Sec. 9. “Consumer litigation funding contract” means a written agreement between a consumer and a consumer litigation funding company that provides for a consumer litigation funding transaction.

Sec. 10. “Consumer litigation funding transaction” means a nonrecourse transaction in which:

1. A consumer litigation funding company provides consumer litigation funding to a consumer; and

2. The consumer assigns to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained in the legal claim of the consumer.

Sec. 10.5. “Document preparation fee” means a one-time fee per legal claim, not to exceed \$500, assessed for document preparation services related to the preparation of a consumer litigation funding contract.

Sec. 11. “Funded amount” means the amount of consumer litigation funding provided to or on behalf of a consumer in a consumer litigation funding transaction. The term does not include charges.

Sec. 12. “Funding date” means the date on which a company transfers to a consumer the funded amount of consumer litigation funding.

Sec. 13. “Immediate family member” means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

Sec. 14. “Legal claim” means a bona fide civil claim or cause of action.

Sec. 15. “Licensee” means a person who has been issued one or more licenses to engage in the business of a consumer litigation funding company.

Sec. 16. “Resolution date” means the date upon which:

(a) A consumer, or a person on behalf of a consumer, delivers to a consumer litigation company an amount of money equivalent to the funded amount plus any agreed upon charges; or

(b) The legal claim of a consumer is lost or abandoned.

Sec. 17. The Commissioner may adopt regulations for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter.

Sec. 18. 1. A consumer litigation funding contract must:

(a) Be written in a clear and comprehensible language that is understandable to an ordinary layperson.

(b) Be filled out completely when presented to the consumer for signature.

(c) Contain a provision advising a consumer of the right to cancel the contract. Such a provision must provide that the consumer may cancel the contract without penalty or further obligation if, within 5 business days after the funding date, the consumer:

(1) Delivers in person to the consumer litigation funding company, at the address specified in the contract, the uncashed check issued by the consumer litigation funding company or the full amount of money that was disbursed to the consumer by the consumer litigation funding company; or

(2) Mails, by insured, certified or registered mail, to the address specified in the contract, a notice of cancellation and includes in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to the consumer by the consumer litigation funding company.

(d) Contain the initials of the consumer on each page.

(e) Contain a statement that the consumer is not required to pay any other fees or charges other than what is agreed to and disclosed within the contract.

(f) If the consumer seeks more than one consumer litigation funding contract with the same company, contain a disclosure providing the cumulative amount due from the consumer for all consumer litigation funding transactions, including, without limitation, all fees and charges under all consumer litigation funding contracts if repayment is made any time after the contracts are executed.

(g) Contain a statement of the maximum amount the consumer may be obligated to pay under the consumer litigation funding contract other than in the case of material breach, fraud or misrepresentation by the consumer.

(h) Contain clear, conspicuous and accurate details of how charges, including, without limitation, any applicable fees, are incurred or accrued.

(i) Contain a statement that the consumer litigation funding contract is governed by the laws of the State of Nevada.

2. A consumer litigation contract must contain a written acknowledgment by the attorney retained by the consumer in the legal claim of the consumer attesting to the following:

(a) To the best of the knowledge of the attorney, the funded amount and any charges and applicable fees relating to the consumer litigation funding have been disclosed to the consumer.

(b) The attorney is being paid on a contingency basis pursuant to a written fee agreement.

(c) All proceeds of the legal claim will be disbursed via the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer.

(d) The attorney is following the written irrevocable instructions of the consumer with regard to the consumer litigation funding transaction.

(e) The attorney is obligated to disburse money from the legal claim and take any other steps to ensure that the terms of the consumer litigation funding contract are fulfilled.

(f) The attorney has not received a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding, nor will the attorney receive such fee or other consideration in the future.

(g) The attorney has not provided advice related to taxes, benefits or any other financial matter regarding this transaction.

3. A consumer litigation funding contract that does not contain the written acknowledgment required by paragraph (c) of subsection 2 is void. If the acknowledgment is completed, the contract shall remain valid if the consumer terminates the representation of the initial attorney or retains a new attorney with respect to the legal claim of the consumer.

Sec. 19. A consumer litigation funding contract must contain the disclosures specified in this section, which shall constitute material terms of the contract. Except as otherwise provided in this section, the disclosure shall be typed in at least 12-point bold type or font and be placed clearly and conspicuously within the contract, as follows:

1. On the front page of the contract under appropriate headings, language specifying:

(a) The funded amount to be paid to the consumer by the consumer litigation funding company;

(b) An itemization of one-time charges and fees;

(c) The maximum total amount to be assigned by the consumer to the company, including, without limitation, the funded amount and all charges and fees; and

(d) A payment schedule to include the funded amount, charges and fees, listing all dates and the amount due at the end of each 180-day period from the funding date, until the date the maximum amount is due to the company by the consumer to satisfy the amount due under the consumer litigation funding contract.

2. Within the body of the contract, substantially the following form:

Consumer's right to cancellation: You may cancel this contract without penalty or further obligation within five (5) business days after the funding date if you either:

1. *Deliver in person to the consumer litigation funding company at the address specified in the contract the uncashed check that was issued by the consumer litigation funding company or the full amount of money that was disbursed to you by the company; or*

2. *Mail, by insured, certified or registered mail, to the consumer litigation funding company at the address specified in the contract a notice of cancellation and include in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to you by the company.*

3. *Within the body of the contract, in substantially the following form:*

The consumer litigation funding company shall not have a role in deciding whether, when and how much the legal claim is settled for. The consumer and the attorney of the consumer shall notify the company of the outcome of the legal claim by settlement or adjudication before the resolution date. The company may seek updated information about the status of the legal claim. The company shall not interfere with the independent professional judgment of the attorney in the handling of the legal claim or any settlement thereof.

4. *Within the body of the contract, in all capital letters and in at least a 12-point bold type or font contained within a box:*

THE FUNDED AMOUNT AND AGREED UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE KNOWINGLY PROVIDED FALSE INFORMATION OR COMMITTED FRAUD AGAINST (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY).

5. *Located immediately above the place on the contract where the signature of the consumer is required, in 12-point bold type or font:*

Do not sign this contract before you read it completely. Do not sign this contract if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract before you sign this contract. You should obtain the advice of an attorney. Depending on the circumstances, you may wish to consult a tax, public or private benefit planning or financial professional. You acknowledge that your

attorney in the legal claim has provided no tax, public or private benefit planning or financial advice regarding this transaction. You further acknowledge that your attorney has explained the terms and conditions of the consumer litigation funding contract.

6. *Within the body of the contract, in substantially the following form:*

A copy of the executed contract must be promptly delivered to the attorney for the consumer.

Sec. 19.3. 1. A consumer litigation funding contract must include a written disclosure, signed by the consumer that is typed in at least a 12-point font.

2. The disclosure described in subsection 1 must be separate from the consumer litigation funding contract described in section 19 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) A summary of all applicable charges and fees;

(b) The full cost of the consumer litigation funding transaction, written in bold font;

(c) The full amount of the consumer litigation funding;

(d) A statement that the attorney retained by the consumer in the legal claim of the consumer is being retained on a contingency basis pursuant to a written fee agreement;

(e) A statement that the consumer is fully informed and aware that all proceeds of the legal claim of the consumer will be disbursed via the trust account of the retained attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer;

(f) A statement that the retained attorney has not received and will not receive a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding transaction; and

(g) An acknowledgment, signed by the consumer, that the consumer was fully informed and aware of the charges and fees and the full cost of the consumer litigation funding transaction at the time of the execution of the consumer litigation funding contract.

Sec. 19.7. If a consumer cancels a consumer litigation funding contract pursuant to section 18 of this act, the consumer litigation funding company shall promptly forward notice of the cancellation to the attorney or law firm retained by the consumer in the legal claim of the consumer.

Sec. 20. 1. A consumer litigation funding company shall not:

(a) Pay or offer to pay a commission, referral fee or other form of consideration to an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person, for referring a consumer to the company.

(b) Accept a commission, referral fee or other form of consideration from an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person.

(c) Intentionally advertise materially false or misleading information regarding the products or services of the consumer litigation funding company.

(d) Refer a consumer to engage a specific attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person. A company may refer a consumer in search of legal representation to a lawyer referral service operated, sponsored or approved by the State Bar of Nevada or a local bar association.

(e) Except as otherwise provided in subsection 2, knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company without first making payment to or purchasing the entire funded amount and charges of that company, unless a lesser amount is otherwise agreed to in writing by the consumer litigation funding companies.

(f) Receive any right to, or make, any decisions with respect to the conduct, settlement or resolution of the legal claim of a consumer.

(g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees during or after the resolution of the legal claim of a consumer using money from a consumer litigation funding transaction.

2. Two or more consumer litigation funding companies may agree to contemporaneously provide consumer litigation funding to a consumer if the consumer and the attorney of the consumer agree to the arrangement in writing.

3. An attorney or law firm retained by the consumer in connection with his or her legal claim shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

4. An attorney who has referred the consumer to his or her retained attorney or law firm shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

5. A consumer litigation funding company shall not use any form of consumer litigation funding contract in this State unless the contract has been filed with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 21. 1. A consumer litigation funding company shall require the amount to be paid to the company under a consumer litigation funding contract to be set as a predetermined amount based upon intervals of time from the funding date though the resolution date. The amount must not exceed the funded amount plus charges not to exceed a rate of 40 percent annually.

2. *The amount to be paid to a company under a consumer litigation funding contract must not be determined as a percentage of the recovery of the legal claim of a consumer.*

Sec. 22. 1. *If a court of competent jurisdiction determines that a consumer litigation funding company has willfully committed a deceptive and abusive violation of this chapter with regard to a specific consumer litigation funding transaction, the contract shall be void.*

2. *Nothing in this chapter shall be construed to restrict the exercise of powers or the performance of the duties of the Attorney General which he or she is authorized to exercise or perform by law.*

Sec. 23. 1. *The contingent right to receive an amount of the potential proceeds of a legal claim is assignable by a consumer.*

2. *Nothing in this chapter shall be construed to cause any consumer litigation funding transaction conforming to this chapter to be deemed a loan or to be subject to any of the provisions of law governing loans. A consumer litigation funding transaction that complies with this chapter is not subject to any other statutory or regulatory provisions governing loans or investment contracts. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.*

3. *Only a lien imposed by an attorney pursuant to NRS 18.015 that is related to the legal claim of the consumer or a lien imposed by Medicare that is related to the legal claim of a consumer takes priority over any lien imposed by a consumer litigation funding company. All other liens take priority by normal operation of law.*

Sec. 24. *Any communication between the attorney of a consumer in a legal claim and a consumer litigation funding company as it pertains to a consumer litigation funding transaction is subject to the attorney-client privilege, including, without limitation, the work-product doctrine.*

Sec. 25. 1. *A person shall not engage in the business of a consumer litigation funding company in this State without having first obtained a license from the Commissioner pursuant to this chapter.*

2. *For the purpose of this section, a person is “engaged in the business of a consumer litigation funding company” if the person:*

(a) *Solicits or engages in consumer litigation funding transactions in this State; or*

(b) *Is located in this State and solicits or engages in consumer litigation funding transactions outside of this State.*

3. *Any person and the several members, officers, directors, agents and employees thereof who violate or participate in the violation of this section are guilty of a misdemeanor.*

Sec. 25.5. *The provisions of section 25 of this act shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatever, including, but not thereby limiting the generality of the foregoing:*

1. *The loan, forbearance, use or sale of credit (as guarantor, surety, endorser, comaker or otherwise), money, goods, or things in action.*

2. *The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended.*

3. *Receiving or charging compensation for goods or services, whether or not sold, delivered or provided.*

4. *The real or pretended negotiation, arrangement or procurement of a loan through any use or activity of a third person, whether real or fictitious.*

Sec. 26. 1. *A person who wishes to obtain a license from the Commissioner to engage in the business of a consumer litigation funding company shall submit an application to the Commissioner. The application must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:*

(a) *If the applicant is a natural person, the name and address of the applicant.*

(b) *If the applicant is a business entity, the name and address of each:*

(1) *Partner;*

(2) *Officer;*

(3) *Director;*

(4) *Manager or member who acts in a managerial capacity; and*

(5) *Registered agent,*

↪ *of the business entity.*

(c) *Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:*

(1) *Partners;*

(2) *Officers;*

(3) *Directors; and*

(4) *Managers or members who act in a managerial capacity.*

(d) *The address of each location at which the applicant proposes to do business under the license.*

2. *A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:*

(a) *Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or*

(b) *Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.*

↪ *The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.*

3. *The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner shall not issue a license to the applicant unless the applicant submits a new application and pays any required fees.*

Sec. 27. 1. *In addition to any other requirements set forth in this chapter, each applicant must submit:*

(a) *Proof satisfactory to the Commissioner that the applicant:*

(1) *Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.*

(2) *Has not made a false statement of material fact on the application for the license.*

(3) *Has not committed any of the acts specified in subsection 2.*

(4) *Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.*

(5) *Has not been convicted or, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.*

(6) *If the applicant is a natural person:*

(I) *Is at least 21 years of age; and*

(II) *Is a citizen of the United States or lawfully entitled to remain and work in the United States.*

(b) *A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

2. *In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:*

(a) *Has committed or participated in any act for which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.*

(b) *Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.*

(c) *Has participated in any act which was a basis for the denial or revocation of a license pursuant to this chapter.*

(d) *Has falsified any of the information submitted to the Commissioner in support of the application for a license.*

Sec. 28. 1. *In addition to any other requirements, a natural person who applies for a license pursuant to this chapter shall:*

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Commissioner.

3. A license as a consumer litigation funding company may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 29. 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed as a consumer litigation funding company, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate the license of a licensee that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 30. 1. An application submitted to the Commissioner pursuant to section 26 of this act must be accompanied by:

(a) A nonrefundable fee of not more than \$1,000 for the application and survey;

(b) Any additional expenses incurred in the process of investigation as the Commissioner deems necessary; and

(c) A fee of not less than \$200 and not more than \$1,000.

2. An applicant shall, at the time of filing an application, file with the Commissioner, a surety bond payable to the State of Nevada and satisfactory to the Commissioner in an amount not to exceed \$50,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond must provide that the applicant will faithfully conform to and abide by the provisions of this chapter and to all regulations lawfully made by the Commissioner under this chapter and to any such person any and all amounts of money that may become due or owing to this State or to such person from the applicant under this chapter during the period for which the bond is given.

3. Each bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must secure the faithful performance of the obligations of the licensee respecting the provision of the services of the consumer litigation funding company.

4. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of business regulated by this chapter give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

5. The liability of the surety on a bond is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after the earlier of:

(a) The death of the licensee or the dissolution or liquidation of his or her business; or

(b) The termination of the bond.

7. A licensee or his or her surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

8. *The Commissioner shall adopt regulations establishing the amount of the fees and the bond required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account created by NRS 232.545.*

Sec. 31. 1. *Upon the filing of the application and the payment of the fees, the Commissioner shall investigate the facts concerning the application and the requirements provided for in this chapter.*

2. *The Commissioner may hold a hearing on the application at a time not less than 30 days after the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as the Commissioner may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other person as the Commissioner may see fit, at least 10 days before the date set for the hearing.*

3. *The Commissioner shall make his or her order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.*

4. *An applicant is entitled to a hearing on the question of the qualifications of the applicant for licensure upon written request to the Commissioner if:*

(a) *The Commissioner has notified the applicant in writing that the application has been denied; or*

(b) *The Commissioner has not issued a license within 60 days after the application for a license was filed.*

5. *A request for a hearing may not be made more than 15 days after the Commissioner has mailed a written notice to the applicant that the application has been denied and stating in substance the findings of the Commissioner supporting the denial of the application.*

6. *The Commissioner may adopt regulations to carry out the provisions of this section.*

Sec. 32. *If the Commissioner finds:*

1. *That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter;*

2. *That the applicant has complied with the provisions of this chapter; and*

3. *That the applicant has available for the operation of the business liquid assets of at least \$50,000,*

he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 33. 1. *A licensee who wishes to change the address of an office or other place of business for which he or she has a license pursuant to the*

provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.

2. Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.

3. If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed \$1,000.

Sec. 34. A license issued pursuant to this chapter is not transferable or assignable.

Sec. 35. Every licensee shall maintain assets of at least \$50,000 either used or readily available for use in the conduct of the business of each licensed office.

Sec. 35.5. A licensee who has an office or other place of business located outside of this State shall file with the Commissioner the information required pursuant to NRS 77.310 and continuously maintain a registered agent for service of legal process. Such agent must be an attorney who is licensed to practice law in this State and who has an office located in this State.

Sec. 36. 1. Each licensee shall keep and use in his or her business such books and accounting records as are in accord with sound and accepted accounting practices.

2. Each licensee shall maintain a separate record or ledger card for the account of each borrower and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.

3. Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.

4. Each licensee who operates an office or other place of business outside this State that is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

Sec. 36.2. 1. At least once each year, the Commissioner or his or her authorized representative shall make an examination of the place of business of each licensee and of the transactions, books, papers and records of each licensee that pertain to the business licensed under this chapter.

2. For each examination conducted pursuant to subsection 1, the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the

examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 36.4. Each licensee shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.

Sec. 36.6. In addition to any other fee provided by this chapter, the Commissioner shall assess and collect from each licensee the reasonable cost of auditing the books and records of a licensee.

Sec. 37. A licensee shall not conduct the business of a consumer litigation funding company under any name or at a place other than stated in the license. Nothing in this section shall be construed to prohibit:

- 1. Consumer litigation funding transactions by mail; or*
- 2. Accommodations for a consumer when necessitated by hours of employment, sickness or other emergency situations.*

Sec. 38. 1. On or before January 31 of each year, a licensee shall submit a report to the Commissioner containing:

(a) The number of consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year;

(b) A summation of the total funded amount of the consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year, expressed in dollars; and

(c) The annual percentage charged to each consumer when repayment was made.

2. If a licensee operated more than one office or provides consumer litigation funding to persons outside of the State, the licensee shall submit a composite report of all consumer litigation funding transactions in which the company engaged for the immediately preceding year.

3. The Commissioner shall make the information contained in the report available to the public upon request in a manner which maintains the confidentiality of the name of each company and consumer.

Sec. 38.2. 1. The Commissioner may enforce this chapter and regulations adopted pursuant thereto by taking one or more of the following actions:

(a) Ordering a licensee or a director, employee or other agent of a licensee to cease and desist from any violations;

(b) Ordering a licensee or a director, employee or other agent of a licensee who has caused a violation to correct the violation, including, without limitation, making restitution of money to a person aggrieved by a violation;

(c) Imposing on a licensee or a director, employee or other agent of a licensee who has caused a violation a civil penalty not to exceed \$5,000 for each violation; or

(d) Suspending or revoking the license of a licensee in accordance with section 38.6 of this act.

2. If a person violates or knowingly authorizes, directs or aids in the violation of a final order issued pursuant to paragraph (a) or (b) of

subsection 1, the Commissioner may impose a civil penalty not to exceed \$10,000 for each violation.

3. The Commissioner may maintain an action to enforce this chapter in any county in this State.

4. The Commissioner may recover the reasonable costs of enforcing subsections 1, 2 and 3, including, without limitation, attorney's fees, based on the hours reasonably expended and the hourly rates for attorneys of comparable experience in the community.

5. In determining the amount of a civil penalty imposed pursuant to subsection 1 or 2, the Commissioner shall consider the seriousness of the violation, the good faith of the violator, any previous violations by the violator and any other factor the Commissioner considers relevant to the determination of a civil penalty.

Sec. 38.3. 1. The Commissioner may impose an administrative fine of not more than \$50,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter.

2. The Commissioner shall afford to any person fined pursuant to subsection 1 reasonable notice and an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. A person fined by the Commissioner pursuant to subsection 1 is entitled to judicial review of the decision of the Commissioner in the manner provided by chapter 233B of NRS.

Sec. 38.6. 1. The Commissioner may suspend or revoke a license if:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay an applicable tax, fee or assessment; or

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter.

2. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

3. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

4. Unless otherwise provided in an order, the order for the revocation or suspension of a license applies only to the license granted to a person for the particular location for which grounds for revocation or suspension exist.

5. A licensee upon whom a fine has been imposed or whose license was suspended or revoked pursuant to this section is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 38.8. 1. Except as otherwise provided in this section, if a licensee willfully:

(a) Enters into a consumer litigation funding contract for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;

(b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or

(c) Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,

↳ the consumer litigation funding contract is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the consumer litigation funding transaction.

2. The provisions of this section do not apply if:

(a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

Sec. 38.9. 1. A consumer, an attorney for a consumer or any other person who believes that any provision of this chapter has been violated may file a complaint with the Commissioner. Such a complaint must include:

(a) The full name and address of the person filing the complaint;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved in the alleged violation; and

(c) A certification by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge and belief of the person.

2. Upon the receipt of a complaint filed pursuant to subsection 1, the Commissioner may investigate and conduct hearings concerning the complaint.

Sec. 38.95. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(i) Credit union that is supervised pursuant to chapter 678 of NRS.

(j) *Consumer litigation funding company that is supervised pursuant to the chapter consisting of sections 2 to 38.9, inclusive, of this act.*

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 39. 1. Notwithstanding the amendatory provisions of this act, a consumer litigation funding company that ~~submits~~:

(a) Holds a license issued pursuant to chapter 675 of NRS on or before October 1, 2019; and

(b) Submits an application for licensure pursuant to section 26 of this act on or before January 1, 2020,

↪ shall be deemed to hold a license to engage in the business of a consumer litigation funding company issued pursuant to section 32 of this act and may continue to conduct consumer litigation funding transactions while the application for licensure is pending approval or denial.

2. The Commissioner of Financial Institutions may adopt regulations for the administration and enforcement of this section.

3. As used in this section:

(a) "Consumer litigation funding company" has the meaning ascribed to it in section 8 of this act.

(b) "Consumer litigation funding transaction" has the meaning ascribed to it in section 10 of this act.

Sec. 40. The amendatory provisions of this act do not apply to any contract entered into before ~~July~~ **October** 1, 2019, until the contract is amended, extended or renewed.

Sec. 41. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2019, for all other purposes.

2. Sections 28 and 29 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

~~1-~~ **(a)** Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

~~2-~~ **(b)** Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 453.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 788.

AN ACT relating to the Governor Guinn Millennium Scholarship Program; increasing the grade point average **required during the first year of enrollment** to retain eligibility for a scholarship; ~~making a recipient ineligible~~

~~for the scholarship if he or she fails to maintain the required grade point average during any two semesters;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the first year of enrollment in the Governor Guinn Millennium Scholarship Program, existing law requires a recipient to maintain at least a 2.60 grade point average during each semester and then to maintain a 2.75 grade point average during each semester in the second and each subsequent year of enrollment. ~~If a recipient fails to maintain the required grade point average, the recipient loses funding for a semester, but may regain eligibility under certain circumstances.~~ (NRS 396.934) **Section 1** of this bill raises the required grade point average to 2.75 ~~during each semester of each year of~~ **for each semester of** enrollment ~~and permits a recipient who fails to maintain the required grade point average in one semester to continue eligibility without penalty, but permanently loses eligibility if the student does not meet eligibility requirements during any subsequent semester.~~ **in the Program, which means the required grade point average is increased from 2.60 to 2.75 for each semester of the first year of enrollment in the Program.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, \$40 per credit for each lower division course and \$60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant

to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

↪ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 15 semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of \$10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and

(b) ~~If the student graduated from high school after May 1, 2003, maintain:— (1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.~~

~~— (2) At **Maintain at** least a 2.75 grade point average on a 4.0 grading scale for each semester ~~[during the second year]~~ of enrollment in the Governor Guinn Millennium Scholarship Program . ~~[and for each semester during each year of enrollment thereafter.]~~~~

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester ~~[any two semesters]~~ of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the ~~[any]~~ succeeding semester of enrollment . If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship. ~~[following the second semester in which the student did not satisfy the requirements.]~~

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution

in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 2. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2020, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read third time.

The following amendment was proposed by Assemblywoman Neal:

Amendment No. 891.

~~CONTAINS UNFUNDED MANDATE (§ 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)~~

AN ACT relating to criminal procedure; prohibiting modification of bail in certain circumstances; revising provisions governing conditions of bail; revising provisions governing the consequences for failing to comply with conditions of bail; making various other changes concerning the manner in which bail is determined, the amount of bail and modifications to bail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution and existing law requires all persons arrested for offenses other than murder of the first degree to be admitted to bail unless

certain circumstances apply. (Nev. Const. Art. 1, § 7; NRS 178.484) This bill makes various changes relating to the manner in which bail is carried out.

Existing law authorizes the court in which an indictment or information is presented for a felony charge to increase a defendant's bail and order the defendant to be committed to actual custody if the defendant does not pay the increased amount. (NRS 173.175) **Section 4** of this bill prohibits the State from seeking a modification of the original bail determination if a court has made a determination of bail based on a criminal complaint, the State has elected to present the same case before a grand jury and an indictment has been returned, except in certain circumstances.

Existing law authorizes a court, before releasing a person arrested for a crime, to impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court. Existing law also sets forth a nonexclusive list of conditions of bail that the court is allowed to impose. (NRS 178.484) **Section 5** of this bill provides that: (1) unless a defendant is automatically released pursuant to an administrative order adopted by the court, a magistrate is required to review the custody status of a defendant in accordance with certain procedures as soon as practicable after a defendant is taken into custody, but not later than 48 hours, including nonjudicial days, after the defendant is taken into custody; (2) each court is required to adopt an administrative order that provides for the release of defendants who are arrested without a warrant before holding a review of their custody status; and (3) each court is required to adopt and make available to the public an order containing written policies and procedures concerning reviews of the custody status of defendants. **Section 5** also sets forth a priority for conditions of release in the following order: (1) own recognizance release with no additional conditions other than the promise of good behavior and the promise to appear in court as required; (2) own recognizance release with nonfinancial conditions; and (3) release with secured financial conditions. Additionally, **section 5** provides that during any proceeding in which the court reviews the custody status of a defendant, there is a rebuttable presumption that the defendant should be released on his or her own recognizance and that monetary bail should be imposed as a condition of release only when the magistrate determines that no other conditions of release will ~~adequately~~ **reasonably** ensure that the defendant will appear in court as required.

Section 5 further removes certain specified amounts of monetary bail in existing law for certain offenses involving domestic violence and for violating certain temporary or extended orders for protection. (*See* NRS 178.484)

Existing law authorizes a court, after providing the person with reasonable notice and an opportunity for a hearing, to deem failure to comply with a condition of bail as a contempt or increase the amount of bail. (NRS 178.484) **Section 5** authorizes the court to also modify any condition of release, require any additional condition of release or set or increase the amount of monetary bail after conducting a review of the custody status of a defendant.

Existing law requires notice to the bail agent of a surety bond before releasing the defendant for whom it was issued when the defendant was charged with the commission of a category A or B felony and after being admitted to bail on the surety bond is taken into custody in the same jurisdiction, charged with another such felony and ordered to be released from custody without bail. (NRS 178.4855) **Section 6** of this bill removes the requirement of notice to the bond agent and instead requires, under such circumstances, the defendant to have his or her custody status reviewed which may result in the addition or modification of conditions of release.

If a defendant released on bail commits a felony during the period of release, existing law allows the defendant's bail to be revoked following a hearing. Pending the hearing, the defendant may be held without bail on the new felony charge. (NRS 178.487) **Section 7** of this bill requires the magistrate under such circumstances to conduct a review of the custody status of the defendant as soon as practicable and within 48 hours, excluding nonjudicial days, to the extent possible. The defendant must not be released until that review of the custody status of the defendant is held.

Existing law sets forth factors a magistrate is required to consider in setting the amount of bail. (NRS 178.498) **Section 8** of this bill provides that: (1) a magistrate may only impose monetary bail or a secured bond if no nonmonetary conditions will ensure reasonably the appearance of a defendant and the safety of the community; (2) the amount of the monetary bail or secured bond must be based on the financial resources of the defendant and must be set as necessary to ensure reasonably the appearance of the defendant and the safety of the community; and (3) the magistrate must make findings as to the reasoning underlying the specific amount set and the relationship of that amount to ensuring reasonably the appearance of the defendant and the safety of the community. **Section 8** also prohibits detaining a defendant who is eligible for pretrial release solely because the defendant is financially incapable of paying the amount of any monetary bail or secured bond.

Existing law provides that: (1) a district court or justice court may, at any time after setting bail and before acquittal or conviction, increase the amount of the defendant's bail for good cause shown; and (2) if the defendant has been released from custody, the defendant must pay the increased bail or return to custody. (NRS 178.499) **Section 9** of this bill instead allows a magistrate to consider a modification of bail upon notice and a showing of good cause, including, without limitation, the addition, modification, suspension or cancellation of any condition or combination of conditions of bail.

Sections 2, 3 and 10-14 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 171.178 is hereby amended to read as follows:

171.178 1. Except as otherwise provided in subsections 5 and 6, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer. Except as otherwise provided in subsections 5 and 6 and NRS 171.1772, the peace officer shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

3. If an arrested person is not brought before a magistrate within 72 hours after arrest, excluding nonjudicial days, the magistrate:

(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and

(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.

4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed forthwith.

5. Except as otherwise provided in NRS 178.484 and 178.487, ~~where~~ *if* the defendant can be admitted to bail without appearing personally before a magistrate ~~+~~ *pursuant to an administrative order adopted by the court pursuant to NRS 178.484*, the defendant must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.

6. A peace officer may immediately release from custody without any further proceedings any person the peace officer arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the release. A person so released shall be deemed not to have been arrested but only detained.

Sec. 3. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS 178.484 ~~for 178.4851~~ if:

(a) The warrant arises out of a public offense which constitutes a misdemeanor; and

(b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.

2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS ~~178.484 or~~ 178.502, ~~for 178.4851,~~ together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.

3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

Sec. 4. NRS 173.175 is hereby amended to read as follows:

173.175 ~~{When the indictment or information is for a felony and the defendant before the filing thereof has given bail for the defendant's appearance to answer the charge, the court in which the indictment or information is presented, or in which it is pending, may order the defendant to be committed to actual custody unless the defendant gives bail in an increased amount, to be specified in the order.}~~

1. Except as otherwise provided in subsection 2, if a court has made a determination of bail based on a criminal complaint, the State has elected to present the same case before a grand jury and an indictment has been returned, the State may not seek a modification of the original determination of bail unless:

(a) Before filing a motion to modify the bail in the district court in which the indictment is presented or pending, the State files notice of the intent to file a motion to modify the bail;

(b) The State files a motion to modify the bail in the district court in which the indictment is presented or pending; and

(c) The motion to modify the bail is based upon new or different reasons that were unknown at the time that the original determination of bail was made.

2. The court may modify the amount of bail if the indictment includes new or additional charges.

Sec. 5. NRS 178.484 is hereby amended to read as follows:

178.484 ~~1. {Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

- ~~—(a) A court issues an order directing that the person be admitted to bail;~~
- ~~—(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~
- ~~—(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~
- ~~—3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~
 - ~~—(a) A court issues an order directing that the person be admitted to bail; or~~
 - ~~—(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~
- ~~—4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~
- ~~—5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~
- ~~—6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~
- ~~—7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~
 - ~~—(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~
 - ~~—(b) Five thousand dollars, if the person has:~~
 - ~~—(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for~~

~~which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (c) Fifteen thousand dollars, if the person has:~~

~~— (1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~— 8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

~~— (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~— (b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~— (c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~— (1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~— (2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~— 9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without~~

the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

~~—(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~—(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~or~~

~~—(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

➔ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~—10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~—11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area; or~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~→ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~—12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~—13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~—14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~—(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~→ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~—15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~17. Unless a defendant is automatically released pursuant to an administrative order adopted by the court pursuant to this section, a magistrate shall review the custody status of a defendant pursuant to the procedures set forth in this section as soon as practicable after a defendant is taken into custody, but not later than 48 hours, including nonjudicial days, after the defendant is taken into custody.~~

2. During any hearing in which a magistrate reviews the custody status of a defendant, regardless of when the hearing is held, whether the hearing is held in chambers or open court or whether the defendant is present at or absent from the hearing:

(a) There is a rebuttable presumption that the defendant should be released on his or her own recognizance.

(b) Monetary bail should be imposed as a condition of release only when the magistrate determines that no other conditions of release will reasonably ensure that the defendant will appear in court as required.

3. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be released pending trial with the least restrictive conditions that the court deems necessary to:

(a) Protect the health, safety and welfare of the defendant and the community;

(b) Reasonably protect an alleged victim and the family of an alleged victim from the defendant; and

(c) Reasonably ensure that the person will appear at all times and places ordered by the court.

4. Each court in this State shall, after consulting with interested groups, organizations and persons in the jurisdiction, adopt an administrative order that provides for the release, under certain circumstances, of defendants who are arrested without a warrant, before a review of the custody status of a defendant is conducted and without the imposition of any conditions of release other than the promise of good behavior and the promise to appear in court as required. Such an administrative order must:

(a) Consider the provisions of paragraphs (a) and (b) of subsection 2.

(b) Provide for the release of a defendant who is charged with a misdemeanor that does not involve the use or threatened use of force or violence against an alleged victim.

(c) Provide for the release of a defendant without any conditions if the defendant is not charged with any crime greater than a gross misdemeanor and is not charged with a crime listed in paragraph (d).

(d) Not provide for the release without conditions of any defendant who is charged with a felony or gross misdemeanor that:

(1) *Involves the use or threatened use of force or violence against an alleged victim; or*

(2) *Is a sexual offense as defined in NRS 179D.097.*

5. *If a defendant has been arrested without a warrant, no conditions of release other than the promise of good behavior and the promise to appear in court as required may be imposed, through an administrative order adopted pursuant to subsection 4 or through the use of any standard bail schedule, unless and until the magistrate conducts a review of the custody status of the defendant pursuant to this section.*

6. *Each court shall, after consulting with interested groups, organizations and persons in the jurisdiction, adopt and make available to the public an order containing written policies and procedures concerning reviews of the custody status of a defendant that must be conducted pursuant to this section. Such policies and procedures may provide that the initial review of the custody status of a defendant pursuant to subsection 1 may take place in chambers, during a public proceeding in open court or any combination thereof and may be conducted at the same time as the initial appearance of a defendant pursuant to NRS 171.178 or at the time of arraignment, but regardless of whether a criminal complaint is filed, must require that if the defendant remains in custody, an individualized review of the custody status of the defendant, with the defendant present, must be conducted within 72 hours after arrest, excluding nonjudicial days, pursuant to NRS 171.178. The order must specify the times at which the court will conduct such reviews of the custody status of defendants. If the court decides to change the policies and procedures adopted pursuant to this subsection, the court shall provide notice of the changes to the public at least 30 days before the changes take effect.*

7. *At any hearing to review the custody status of a defendant, the magistrate shall consider the release of a defendant in the following order of priority:*

(a) *Own recognizance release with no additional conditions other than the promise of good behavior and the promise to appear in court as required.*

(b) *Own recognizance release with nonfinancial conditions.*

(c) *Release with secured financial conditions, in accordance with the provisions of NRS 178.498.*

↪ *The magistrate may use a different order of priority for release only if requested by the defendant.*

8. *At any hearing to review the custody status of a defendant, the magistrate:*

(a) *Shall include in every release order that the release of the defendant is conditioned upon his or her promise of good behavior and promise to appear at all times and places ordered by the court.*

(b) *Shall consider the provisions of paragraphs (a) and (b) of subsection 2.*

(c) May consider any or all of the following factors relating to the defendant, to the extent that information about the factor is available and reasonably reliable:

- (1) Length of residence in the community.*
- (2) Status and history of employment.*
- (3) Relationships with any spouse, children, parents, family members or close friends.*
- (4) The identity of responsible members of the community who would attest to the reliability of the defendant.*
- (5) The nature of the offense with which the defendant is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of the defendant not appearing.*
- (6) The nature and seriousness of the danger to an alleged victim, the family of an alleged victim, any other person or the community that would be posed by the release of the defendant.*
- (7) The likelihood of more criminal activity by the defendant after release.*
- (8) Any other factors concerning the defendant's ties to the community or bearing on the risk that the defendant may willfully fail to appear.*

(d) Shall use its discretion to consider the possible types of release described in subsection 7. In considering whether nonfinancial conditions should be imposed, the magistrate shall consider the relation of such conditions to the charges against the defendant, the likelihood that the defendant will willfully fail to appear and the safety of an alleged victim and the community. If the magistrate determines that a nonfinancial condition is necessary, the magistrate shall impose the least restrictive condition necessary.

(e) Shall make findings as to the reasoning underlying the decision whether to release the defendant and the conditions of release to be imposed.

9. If a magistrate imposes upon a defendant nonmonetary conditions of release, the defendant is unable to satisfy all such nonmonetary conditions and the defendant remains in custody 3 days after the issuance of the release order, the defendant, on his or her own motion, or on the court's own motion to review the conditions of release, is entitled to a hearing on that motion to be held not later than 3 judicial days after the date of the filing of the motion.

10. A defendant arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing the defendant to be admitted to bail;*
- (b) The State Board of Parole Commissioners directs the detention facility to admit the defendant to bail; or*
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the defendant to bail.*

11. A defendant arrested for murder of the first degree may be admitted to bail unless the proof of guilt is evident or the presumption of guilt is great

by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

12. A defendant arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on his or her own recognizance unless the defendant has a concentration of alcohol of less than 0.04 in his or her breath. A test of the defendant's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the defendant.

13. A defendant arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the defendant incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on his or her own recognizance sooner than 12 hours after arrest.

14. A defendant arrested for a felony, for a misdemeanor crime that constitutes domestic violence under NRS 33.018, for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be released unless:

(a) A court issues an order directing that the defendant be released, no sooner than 12 hours after arrest; or

(b) A department of alternative sentencing directs the detention facility to admit the defendant to bail.

15. If a defendant fails to comply with a condition imposed by the court pursuant to this section, the court may, after providing the defendant with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) Modify any condition of release;

(c) Require any additional condition of release; or

(d) After conducting a review of the custody status of the defendant, set or increase the amount of any monetary bail, provided that the amount is reasonable.

16. A release order issued pursuant to this section must be signed and filed with the clerk of the court as soon as practicable. The release order must include a provision ordering any law enforcement officer to arrest the defendant if the officer has probable cause to believe that the defendant has violated a condition of his or her release.

17. Before a defendant may be released, the defendant must sign a document stating that:

(a) The defendant will appear at all times and places as ordered by the court releasing the defendant and as ordered by any other court before which the charge is subsequently heard;

(b) The defendant will comply with the other conditions, if any, which have been imposed by the court and are stated in the document;

(c) If the defendant fails to appear when so ordered and is taken into custody outside of this State, the defendant waives all rights relating to extradition proceedings; and

(d) The defendant understands that any court of competent jurisdiction may revoke the order of release without bail and may order the defendant into custody or require the defendant to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or the defendant's appearance.

18. ~~Each court shall compile a report on decisions made during reviews of the custody status of defendants pursuant to this section. The report must include, with respect to each defendant, data on the race, age and gender of the defendant, the charge or charges against the defendant, the number of days the defendant was in custody before the decision was made, the amount of any monetary bail set, the conditions of release imposed, the level of supervision, if any, relating to the defendant and the magistrate who made the decision. Each court shall, on or before April 1 of each year, submit a report of the data compiled pursuant to this subsection to the Director of the Legislative Counsel Bureau for distribution to the Legislature or, if the Legislature is not in session, to the Legislative Commission.~~

~~19.~~ For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

~~20.~~ 19. As used in this section, ["strangulation" has the meaning ascribed to it in NRS 200.481.] "own recognizance release" means release upon giving an oral promise to appear with no monetary conditions attached.

Sec. 6. NRS 178.4855 is hereby amended to read as follows:

178.4855 A defendant charged with the commission of a category A or B felony who is admitted to bail on a surety bond and who:

1. While admitted to bail, is taken into custody in the same jurisdiction in which the defendant was admitted to bail and is charged with the commission of another category A or B felony; and

2. Is ordered to be released from custody without bail, ~~↪ must [not be released from custody pursuant to NRS 178.4851 until the law enforcement agency that conducted the initial booking procedure for the defendant for the subsequent felony has notified the bail agent that issued the surety bond of the release of the defendant.]~~ ***have his or her custody status as described in NRS 178.484 reviewed, which may result in the addition or modification of conditions of release.***

Sec. 7. NRS 178.487 is hereby amended to read as follows:

178.487 **1.** Every release on bail with or without security is conditioned upon the defendant's good behavior while so released, and upon a showing that the proof is evident or the presumption great that the defendant has committed a ~~[felony]~~ ***crime listed in subsection 2*** during the period of release, the defendant's bail may be revoked, after ~~[a hearing,]~~ ***a review of the custody status of the defendant that follows the requirements set forth in NRS 178.484***, by the magistrate who allowed it or by any judge of the court in which the original charge is pending. Pending such revocation, the defendant may be held without bail by order of the magistrate before whom the defendant is brought after an arrest upon the second charge. ***The magistrate shall conduct a review of the custody status of the defendant as soon as practicable and within 48 hours, excluding nonjudicial days to the extent possible, but in any case the defendant must not be released until his or her custody status has been so reviewed.***

2. ***The provisions of this section apply to the following crimes:***

(a) ***A misdemeanor that constitutes domestic violence pursuant to NRS 33.018.***

(b) ***A violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive.***

(c) ***A violation of a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS. For the purposes of this paragraph, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.***

(d) ***A violation of a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591.***

(e) ***A violation of a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.***

Sec. 8. NRS 178.498 is hereby amended to read as follows:

178.498 **1.** If the ~~[defendant is admitted to]~~ ***magistrate, in determining bail, [the] finds pursuant to NRS 178.484 that no nonmonetary conditions***

reasonably ensure the appearance of the defendant and the safety of the community, the magistrate may direct the defendant to post a monetary bail or secured bond. The monetary bail or secured bond must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety ~~of other persons and~~ of the community, having regard to:

- ~~1.~~ (a) The nature and circumstances of the offense charged;
- ~~2.~~ (b) ~~The financial ability of the defendant to give bail;~~
- ~~3.~~ The character of the defendant; and
- ~~4.~~ (c) The factors listed in *subsection 8 of NRS ~~178.4853.~~ 178.484.*

2. The amount of any monetary bail or secured bond set pursuant to subsection 1 must be based upon the financial resources of the defendant and set as necessary to ensure reasonably the appearance of the defendant and the safety of the community. The magistrate shall make findings as to the reasoning underlying the specific amount set and the relationship of that amount to ensuring reasonably the appearance of the person and the safety of the community.

3. A defendant who is eligible for pretrial release must not be detained solely because the defendant is financially incapable of paying the amount of any monetary bail or secured bond.

Sec. 9. NRS 178.499 is hereby amended to read as follows:

178.499 ~~1.~~—At any time after a district or Justice Court has ordered bail to be set at a specific amount, and before acquittal or conviction, the court may upon its own motion or upon motion of the district attorney and after notice to the defendant's attorney of record or, if none, to the defendant, increase the amount of bail for good cause shown.

~~2.~~—If the defendant has been released on bail before the time when the motion to increase bail is granted, the defendant shall either return to custody or give the additional amount of bail. *Upon notice and a showing of good cause, a magistrate may consider a modification of bail, including, without limitation, the addition, modification, suspension or cancellation of any condition or combination of conditions of bail imposed upon a person charged with a public offense.*

Sec. 10. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person *charged with a public offense who is* required ~~to~~ ~~permitted to give~~ *to pay monetary* bail shall execute a bond for the person's appearance. The magistrate, ~~for court or judge or justice,~~ having regard to the considerations set forth in NRS 178.498, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for *monetary* bail must provide that the bond or undertaking:

- (a) Extends to any action or proceeding in a justice court, municipal court or district court:

(1) Arising from the charge on which *monetary* bail was first ~~given~~ *paid* in any of these courts; and

(2) Arising from a later charge, filed before the expiration of the periods provided in subsection 4, which is substantially similar to the charge upon which *monetary* bail was first ~~given~~ *paid* and is based upon the same act or omission as that charge; and

(b) Remains in effect until exonerated by the court.

↪ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been ~~admitted~~ *required to pay monetary* bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. If the action or proceeding against a defendant who has been ~~admitted~~ *required to pay monetary* bail is dismissed, the *monetary* bail must not be exonerated until a period of 30 days has elapsed from the entry of the order of dismissal unless the defendant requests that *the monetary* bail be exonerated before the expiration of the 30-day period. If no formal action or proceeding is instituted against a defendant who has been ~~admitted~~ *required to pay monetary* bail, the *monetary* bail must not be exonerated until a period of 30 days has elapsed from the day the bond or undertaking is posted unless the defendant requests that *the monetary* bail be exonerated before the expiration of the 30-day period.

5. If, within the periods provided in subsection 4, the defendant is charged with a public offense arising out of the same act or omission supporting the charge upon which *monetary* bail was first ~~given~~ *required to be paid*, the prosecuting attorney shall forthwith notify the clerk of the court where the bond was posted, the *monetary* bail must be applied to the public offense later charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the *monetary* bail is transferred shall mail or electronically transmit notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. ~~Bail given~~ *Monetary bail required to be paid* originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Sec. 11. NRS 178.506 is hereby amended to read as follows:

178.506 If there is a breach of condition of a bond, the court shall declare a forfeiture of the *monetary* bail, subject to the provisions of NRS 178.508 and 178.509.

Sec. 12. NRS 178.532 is hereby amended to read as follows:

178.532 The court to which the committing magistrate shall return the depositions and statement, or in which an indictment or information or an appeal is pending, or to which a judgment on appeal is remitted to be carried into effect, may, by an order to be entered on its minutes, direct the arrest of

the defendant and commitment to the officer to whose custody the defendant was committed at the time of giving bail, and the defendant's detention until legally discharged, in the following cases:

1. When, by reason of the defendant's failure to appear, the defendant has incurred a forfeiture of *monetary* bail, or of money deposited instead thereof, as provided in NRS 178.506.

2. When it satisfactorily appears to the court that the defendant's bail, or either of them, are dead, or insufficient, or have removed from the State.

3. Upon an indictment being found or information filed ~~in the cases provided in NRS 173.175.1~~ **for a felony and the defendant paid monetary bail before the indictment was found or the information was filed.**

Sec. 13. NRS 178.538 is hereby amended to read as follows:

178.538 1. If the order recites, as the grounds upon which it is made, the failure of the defendant to appear for judgment upon conviction, the defendant must be committed according to the requirement of the order.

2. If the order be made for any other cause, and the offense is bailable, the court may fix the amount of *monetary* bail ~~to~~ and may cause a direction to be inserted in the order that the defendant be admitted to bail in the sum fixed, which ~~shall~~ **must** be specified in the order.

Sec. 14. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of *monetary* bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

↪ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

- (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (5) Incest pursuant to NRS 201.180;
- (6) Open or gross lewdness pursuant to NRS 201.210;
- (7) Indecent or obscene exposure pursuant to NRS 201.220;
- (8) Lewdness with a child pursuant to NRS 201.230;
- (9) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;
- (11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;
- (12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;
- (13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or
- (14) An attempt to commit an offense listed in this paragraph.

~~Sec. 15. [The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.] (Deleted by amendment.)~~

~~Sec. 16. [The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)~~

Sec. 17. NRS 178.4851 and 178.4853 are hereby repealed.

TEXT OF REPEALED SECTIONS

178.4851 Release without bail; imposition of conditions; arrest for violation of condition.

1. Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.

2. In releasing a person without bail, the court may impose such conditions as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation, any condition set forth in subsection 11 of NRS 178.484.

3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.

4. Before a person may be released without bail, the person must file with the clerk of the court of competent jurisdiction a signed document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or the person's appearance.

5. If a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

6. An order issued pursuant to this section that imposes a condition on a person who is released without bail must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

178.4853 Factors considered before release without bail. In deciding whether there is good cause to release a person without bail, the court at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;
5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;
6. The identity of responsible members of the community who would vouch for the reliability of the person;
7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;
8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after release; and
10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 186.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 864.

SUMMARY—~~[Enacts]~~ **Revises** provisions governing the ~~[interstate]~~ practice of physical therapy. (BDR 54-514)

AN ACT relating to physical therapy; ~~[enacting and entering into the Physical Therapy Licensure Compact]~~ **expanding the scope of practice of physical therapy to include the performance of dry needling under certain circumstances; requiring the Nevada Physical Therapy Board to adopt regulations relating to dry needling;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The Physical Therapy Licensure Compact is an interstate compact that allows a person who is licensed as a physical therapist or physical therapist assistant in a state that is a member of the Compact to practice as a physical therapist or physical therapist assistant in other states that are members of the Compact. The Compact only authorizes a physical therapist or physical therapist assistant to provide services in person in a state in which he or she is not licensed. Before practicing as a physical therapist or physical therapist assistant under the Compact, the Compact requires a physical therapist or physical therapist assistant to: (1) hold a license in his or her home state; (2) have no encumbrances on his or her license; (3) be eligible to practice under the Compact; (4) have had no adverse actions taken against any license or authority to practice under the Compact within the previous 2 years; (5) notify the Physical Therapy Compact Commission that he or she is seeking to practice under the Compact within the other state; (6) pay any applicable fees; (7) meet any requirements in the state in which he or she seeks to practice under the Compact; and (8) report any adverse action taken against him or her within 30 days from the date the adverse action is taken. The Compact requires that the states who are members of the Compact create and establish a joint public agency called the Physical Therapy Compact Commission. The Commission is authorized to: (1) establish bylaws; (2) make rules that facilitate and coordinate implementation and administration of the Compact; (3) hold meetings, including closed meetings; (4) levy on and collect an annual assessment from each state that is a member of the Compact; (5) develop, maintain and utilize a coordinated database and reporting system; and (6) resolve disputes related to the Compact among states that are members of the Compact. Section 2 of this bill enacts the Physical Therapy Licensure Compact. Sections 3-5 of this bill set forth various provisions that incorporate the Compact into existing law.~~

~~—The Compact requires a participating state to comply with various rules. To ensure this State's compliance with these rules, section 3 of this bill requires the Nevada Physical Therapy Board to carry out the State's compliance with the Compact in this State.~~

~~—The Compact authorizes a state that is a member of the Compact to charge a fee for granting a compact privilege. Existing law requires all fees that relate to physical therapists, physical therapist assistants and physical therapist~~

~~technicians which are collected to be deposited by the Board in banks, credit unions, savings and loan associations or savings banks in this State. (NRS 640.070) Section 4 of this bill authorizes the Board to adopt regulations to carry out the State's compliance with the Compact in this State, including regulations that establish such fees. If the Board establishes such fees by regulation, section 4 requires the Board to deposit the money collected from such fees in banks, credit unions, savings and loan associations or savings banks in this State and authorizes the Board to present claims to the State Board of Examiners for recommendation to the Interim Finance Committee to spend money if the money is needed to meet the financial obligations imposed on this State as a result of participating in the Compact.~~

~~— The Compact authorizes the Commission, the Executive Board of the Commission or other committees of the Commission to convene a closed, nonpublic meeting to discuss certain topics or disclose certain information. Section 5 of this bill provides that if such a closed meeting occurs, any record created as a result of such a meeting shall not be considered a public record. Section 30 of this bill makes a conforming change.~~

~~— Sections 6-29 and 31-38 of this bill make conforming changes by clarifying that a physical therapist or physical therapist assistant can be: (1) licensed to practice or to assist in the practice of physical therapy in this State; or (2) authorized to practice or to assist in the practice of physical therapy in this State under the Compact. Additionally, section 25 of this bill defines the term "licensed physical therapist" for the entirety of the Nevada Revised Statutes to mean a physical therapist who is: (1) licensed under existing law; or (2) authorized to practice physical therapy in this State under the Compact.]~~

Existing law provides for the licensure and regulation of physical therapists by the Nevada Physical Therapy Board. (Chapter 640 of NRS) Existing law authorizes the Board to adopt regulations to carry out its powers and duties relating to physical therapy. (NRS 640.050) Section 6 of this bill requires the Board to adopt regulations establishing the qualifications a physical therapist must obtain before he or she is authorized to perform dry needling. Section 6 requires these qualifications to include the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Section 6 further requires the Board to adopt regulations establishing procedures: (1) concerning the handling of needles used to perform dry needling, including procedures for the disposal of a needle after a single use; and (2) to ensure that a physical therapist does not engage in needle retention. Section 3 of this bill prohibits a physical therapist who is qualified to perform dry needling from inserting the same needle more than once during the performance of dry needling. Section 2 of this bill defines "dry needling," and section 5 of this bill includes dry needling in the scope of practice of physical therapy for qualified physical therapists.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 39 of this bill and replace with the following new sections 1 through 6:

Section 1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. "Dry needling":

1. Means a skilled technique performed by a physical therapist using a single-use, single-insertion, sterile filiform needle, which is used to penetrate the skin or underlying tissue to effect change in body conditions, pain, movement, impairment and disability.

2. Does not include:

(a) The stimulation of an auricular point;

(b) The stimulation of sinus points or other nonlocal points to treat underlying organs;

(c) Needle retention; or

(d) The teaching or application of acupuncture.

Sec. 3. A physical therapist who is qualified to perform dry needling pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050 shall not insert the same needle more than one time during the performance of dry needling.

Sec. 4. NRS 640.011 is hereby amended to read as follows:

640.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 640.013 to 640.026, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 640.024 is hereby amended to read as follows:

640.024 "Practice of physical therapy":

1. Includes:

(a) The performing and interpreting of tests and measurements as an aid to evaluation or treatment;

(b) The planning of initial and subsequent programs of treatment on the basis of the results of tests; ~~and~~

(c) The administering of treatment through the use of therapeutic exercise and massage, the mobilization of joints by the use of therapeutic exercise without chiropractic adjustment, mechanical devices, and therapeutic agents which employ the properties of air, water, electricity, sound and radiant energy ~~[-]; and~~

(d) The performance of dry needling, if a physical therapist is qualified to do so pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050.

2. Does not include:

(a) The diagnosis of physical disabilities;

(b) The use of roentgenic rays or radium;

(c) The use of electricity for cauterization or surgery; or

(d) The occupation of a masseur who massages only the superficial soft tissues of the body.

Sec. 6. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall:

(a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

(b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;

(c) Investigate any complaint filed with the Board against a licensee; and

(d) Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist assistants and physical therapist technicians.

3. **The Board shall adopt regulations establishing:**

(a) The qualifications a physical therapist must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.

(b) Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.

(c) Procedures to ensure that a physical therapist does not engage in needle retention.

4. The Board shall prepare and maintain a record of its proceedings, including, without limitation, any disciplinary proceedings.

~~4.~~ **5.** The Board shall maintain a list of licensed physical therapists authorized to practice physical therapy and physical therapist assistants licensed to assist in the practice of physical therapy in this State.

~~5.~~ **6.** The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

~~6.~~ **7.** Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of

this chapter practices physical therapy or as a physical therapist assistant and inspect the premises to determine whether a violation of any provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.

~~7.1.8.~~ Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 302.

Bill read third time.

The following amendment was proposed by Assemblywoman Tolles:

Amendment No. 922.

AN ACT relating to privacy; requiring a governmental agency to comply, to the extent practicable, with certain standards with respect to the collection, dissemination and maintenance of records containing personal information of a resident of this State; prohibiting the Legislative Auditor from including certain information in the report of an audit; requiring the Legislative Auditor to report certain information concerning the security of the information system of an agency of the State under certain circumstances; authorizing a governmental agency to require a person to submit a record containing personal information by electronic means; **requiring certain state agencies to remove data from certain electronic waste**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a data collector, including a governmental agency, that maintains records which contain personal information of a resident of this State to implement and maintain reasonable security measures to protect such records. (NRS 603A.210) **Section 1** of this bill requires a data collector that is a governmental agency to comply, to the extent practicable, with certain standards published by the Center for Internet Security, Inc. or the National Institute of Standards and Technology of the United States Department of Commerce with respect to the collection, dissemination and maintenance of records containing personal information. **Section 1** requires the Office of Information Security of the Division of Enterprise Information Technology Services of the Department of Administration to create, maintain and make available to the public a list of controls and standards that the State is required to comply with pursuant to federal law that also satisfy the standards and controls set forth in **section 1**.

Existing law requires the Legislative Auditor to conduct a postaudit of all accounts, funds and other records of all agencies of the State to determine certain information, including the compliance of the agency with applicable laws and regulations. (NRS 218G.200) **Section 2** of this bill specifies that such applicable laws and regulations include, without limitation, the standards regarding records containing personal information set forth in **section 1**. **Section 1.5** of this bill prohibits the Legislative Auditor from including in the report of an audit any information the Legislative Auditor determines could potentially expose this State to a breach of the security of an information system of an agency of this State. **Section 1.5** further requires the Legislative Auditor to report to the Governor, the Chair of the Legislative Commission, the Chair of the Audit Subcommittee of the Legislative Commission and the head of an affected agency any vulnerability in the information system of an agency of this State that the Legislative Auditor discovers during the course of an audit and determines poses a serious threat to the security of the information system.

Existing law authorizes each governmental agency of this State to determine whether, and the extent to which, it will accept electronic records. (NRS 719.350) Existing law prohibits a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007, unless required pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant. (NRS 239B.030) **Section 3** of this bill authorizes a governmental agency to require a person to submit a document that is required to contain personal information by electronic means. **Section 3** further authorizes a governmental agency to establish procedures by which a person may apply for and receive a waiver from such a requirement.

Section 1.1 of this bill requires each court of justice in this State to permanently remove all data from electronic waste before disposing of such waste. Sections 1.3, 2.7, 5 and 6 of this bill similarly require the Legislative Counsel Bureau, certain state agencies, each school district and the Nevada System of Higher Education, respectively, to remove all data from electronic waste before disposing of such waste.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 603A.210 is hereby amended to read as follows:

603A.210 1. A data collector that maintains records which contain personal information of a resident of this State shall implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

2. *If a data collector is a governmental agency and maintains records which contain personal information of a resident of this State, the data collector shall, to the extent practicable, with respect to the collection, dissemination and maintenance of those records, comply with the current*

version of the CIS Controls as published by the Center for Internet Security, Inc. or its successor organization, or corresponding standards adopted by the National Institute of Standards and Technology of the United States Department of Commerce.

3. A contract for the disclosure of the personal information of a resident of this State which is maintained by a data collector must include a provision requiring the person to whom the information is disclosed to implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

~~3.3~~ 4. If a state or federal law requires a data collector to provide greater protection to records that contain personal information of a resident of this State which are maintained by the data collector and the data collector is in compliance with the provisions of that state or federal law, the data collector shall be deemed to be in compliance with the provisions of this section.

5. *The Office of Information Security of the Division of Enterprise Information Technology Services of the Department of Administration shall create, maintain and make available to the public a list of controls and standards with which the State is required to comply pursuant to any federal law, regulation or framework that also satisfy the controls and standards set forth in subsection 2.*

Sec. 1.1. Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before disposing of electronic waste, each court of justice in this State shall permanently remove any data stored on the electronic waste.

2. As used in this section, "electronic waste" means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.

Sec. 1.3. Chapter 218F of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before disposing of electronic waste, the Legislative Counsel Bureau shall permanently remove any data stored on the electronic waste.

2. As used in this section, "electronic waste" means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.

Sec. 1.5. Chapter 218G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A report of an audit conducted by the Legislative Auditor must not contain any information that the Legislative Auditor determines could potentially expose this State to a breach of the security of an information system of an agency of this State.*

2. *If the Legislative Auditor discovers, in the course of an audit, a vulnerability in an information system of an agency of the State that the Legislative Auditor determines poses a serious threat to the security of the*

information system, the Legislative Auditor shall report the vulnerability immediately to the Governor, the Chair of the Legislative Commission, the Chair of the Audit Subcommittee and the head of the agency affected.

3. As used in this section, “information system” has the meaning ascribed to it in NRS 242.057.

Sec. 2. NRS 218G.200 is hereby amended to read as follows:

218G.200 1. The Legislative Auditor shall perform a postaudit of all accounts, funds and other records of all agencies of the State to determine one or any combination of the following:

(a) Whether the financial statements of the audited agency comply with generally accepted principles of accounting.

(b) The honesty and integrity of fiscal affairs, the accuracy and reliability of information and reports, and the effectiveness of the system of management controls of the audited agency.

(c) Compliance with all applicable laws and regulations ~~††~~, ***including, without limitation, compliance with the standards regarding records containing personal information set forth in NRS 603A.210.***

(d) Whether the operations of the agency of the State have been conducted in accordance with its contractual obligations.

(e) Whether control by management and the system of information provide an adequate and efficient system of records and accounting.

2. Every officer and employee of an agency of the State shall aid and assist the Legislative Auditor at such times as the Legislative Auditor requires in the inspection, examination and audit of any books, accounts and records in their possession.

Sec. 2.5. (Deleted by amendment.)

Sec. 2.7. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before disposing of electronic waste, each state agency shall permanently remove any data stored on the electronic waste.

2. As used in this section, “electronic waste” means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.

Sec. 3. NRS 239B.030 is hereby amended to read as follows:

239B.030 1. Except as otherwise provided in subsections 2, 3 and ~~††~~ 8, a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the personal information

is maintained in a confidential manner and may only disclose the personal information as required:

- (a) To carry out a specific state or federal law; or
- (b) For the administration of a public program or an application for a federal or state grant.

↪ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

3. *If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2021, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency may require a person to record, file or otherwise submit such a document by electronic means.*

4. *A governmental agency may establish procedures by which a person may apply for and receive a waiver from a requirement imposed pursuant to subsection 3. Such procedures must:*

- (a) Authorize the governmental agency to waive a requirement imposed pursuant to subsection 3 for good cause shown;***
- (b) Require such a waiver to be effective for not less than 24 months; and***
- (c) Allow a person who has been granted a waiver to reapply for and obtain additional waivers.***

5. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

~~4-1~~ **6.** A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required or any document which contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

~~5-1~~ **7.** Each governmental agency may ensure that any personal information contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is:

- (a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or

(b) Obliterated or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

↪ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

~~16.1~~ 8. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

↪ The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.

~~17.1~~ 9. As used in this section:

(a) “Governmental agency” means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) “Personal information” has the meaning ascribed to it in NRS 603A.040.

Sec. 4. (Deleted by amendment.)

Sec. 5. **Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Before disposing of electronic waste, each school district shall permanently remove any data stored on the electronic waste.

2. As used in this section, “electronic waste” means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.

Sec. 6. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before disposing of electronic waste, the System shall permanently remove any data stored on the electronic waste.

2. As used in this section, “electronic waste” means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.

~~{Sec. 5}~~ **Sec. 7.** 1. This section and section 1.5 of this act become effective upon passage and approval.

2. Sections 1, ~~1.1, 1.3, 2 and~~ **2.7, 3, 5 and 6** of this act become effective on January 1, 2021.

Assemblywoman Tolles moved the adoption of the amendment.

Remarks by Assemblywoman Tolles.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 311.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 916.

SENATORS PARKS, **D. HARRIS**, BROOKS; SPEARMAN AND WOODHOUSE

JOINT SPONSORS: ASSEMBLYMEN JAUREGUI, MCCURDY, SPIEGEL AND

TOLLES

SUMMARY—~~{Prohibits}~~ **Revises provisions prohibiting** certain discriminatory practices against a person seeking credit. (BDR 52-1048)

AN ACT relating to credit; prohibiting discrimination against a person who seeks to obtain credit; **revising provisions governing discrimination based on the marital status of a person who seeks to obtain credit;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires that any person seeking credit be afforded equal opportunity to have their creditworthiness evaluated under the same relevant economic standards and without any discrimination on the basis of their sex or marital status. (NRS 598B.020, 598B.100) **Section 2 of this bill defines marital status. Section 3 of this bill permits an applicant for credit who has no credit history and was married to request that a creditor deem the applicant’s credit history to be identical to that of the applicant’s spouse during their marriage. Under section 3, the failure of a creditor to comply with such a request is deemed to be discrimination based on marital status. Sections ~~4~~ 4 and ~~7~~ 7 of this bill expand the protection against discrimination to include race, color, creed, religion, disability, national origin or ancestry, sexual orientation, and gender identity or expression. Section ~~6~~ 6 of this bill requires the Commissioner of Financial Institutions to study the**

nature and extent of any discrimination based on race, color, creed, religion, disability, national origin or ancestry, sexual orientation, and gender identity or expression. **Section ~~4~~ 6** also requires the Commissioner of Financial Institutions to cooperate with and assist in programs to prevent or eliminate such discrimination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. “Marital status” means all states of being married or unmarried, and includes, without limitation, the states of being single, married, separated, divorced or widowed.

Sec. 3. 1. If an applicant for credit:

(a) Has no credit history;

(b) Was or is married;

(c) Requests that the creditor deem the credit history of the applicant to be identical to the credit history of the applicant’s spouse which was established during the marriage referenced in paragraph (b); and

(d) If requested by the creditor, provides, with regard to the marriage referenced in paragraph (b), evidence of:

(1) The existence of the marriage; and

(2) The date of the marriage and, if applicable, the date the marriage ended,

↪ The creditor must deem the credit history of the applicant to be identical to the credit history of the applicant’s spouse which was established during the marriage referenced in paragraph (b).

2. Violation of this section by a creditor shall be deemed to be discrimination based on marital status.

Sec. 4. NRS 598B.020 is hereby amended to read as follows:

598B.020 It is hereby declared to be the public policy of the State of Nevada that all people in the State desiring to obtain credit shall be afforded equal opportunity to have their creditworthiness evaluated under the same relevant economic standards and without any discrimination on the basis of their *race, color, creed, religion, disability, national origin or ancestry*, sex, *sexual orientation, gender identity or expression*, or marital status.

Sec. 5. NRS 598B.030 is hereby amended to read as follows:

598B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 598B.040 to 598B.080, inclusive, **and section 2 of this act** have the meanings ascribed to them in such sections.

~~{Sec. 2.}~~ **Sec. 6. NRS 598B.090 is hereby amended to read as follows:**

598B.090 The Commissioner of Financial Institutions through the Division shall:

1. Administer the provisions of this chapter;

2. Study the nature and extent of any discrimination as to *race, color, creed, religion, disability, national origin or ancestry*, sex , *sexual orientation, gender identity or expression*, or marital status in credit practices in this state; and

3. Cooperate with and assist all public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate discrimination on the basis of *race, color, creed, religion, disability, national origin or ancestry*, sex , *sexual orientation, gender identity or expression*, or marital status in credit practices.

~~{Sec. 3.}~~ **Sec. 7.** NRS 598B.100 is hereby amended to read as follows:

598B.100 It is unlawful for any creditor to discriminate against any applicant on the basis of the applicant's *race, color, creed, religion, disability, national origin or ancestry*, sex , *sexual orientation, gender identity or expression*, or marital status with respect to any aspect of a credit transaction.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 435.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 920.

AN ACT relating to claims for mental or physical injury; authorizing a party to void a release of liability under certain circumstances; enacting provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for mental or physical injury asserted under a policy of insurance covering motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that a release of liability relating to the personal injury of a releasor may be voided by the releasor within ~~{30}~~ **60** days after the signing of the release, if the releasor signed the release: (1) within 30 days after the event that initially caused the releasor's injury; and (2) without the assistance of an attorney. **Section 2** provides that in order to void the release of liability, the releasor must: (1) sign a written notice disclosing the election of the releasor to void the release; and (2) within 10 days of signing the notice, send the original notice or a signed copy of the notice to the releasee and return any consideration paid by the releasee.

Section 4 of this bill authorizes a party against whom a claim is asserted for a mental or physical injury under a policy of motor vehicle insurance to require the claimant or the claimant's attorney to provide to the party or the party's attorney and the insurer a written authorization to receive all medical reports, records and bills concerning the claim from the claimant's ~~{provider}~~ **providers** of health care. **Section 4** provides that after such authorization is

granted, the authorization may not be revoked without cause. If the reports, records and bills are provided pursuant to such a written authorization, **section 4** authorizes the claimant or the claimant's attorney to request copies of all such reports, records and bills from the party, the party's attorney or the insurer. **Section 4** also provides that within 10 days after receipt of a written authorization for ~~the provider~~ **providers** of health care to provide such reports, records and bills, the insurer who issued the policy must, upon request, provide ~~a copy of the insurance policy and any endorsements, exclusions, limitations or restrictions modifying such a policy~~ **all pertinent facts or provisions of the policy relating to the coverage at issue, including policy limits,** to the claimant or the claimant's attorney. **Section 4** provides that the provisions of the section cease to apply upon the commencement of a formal action in court arising from a claim asserted under the insurance policy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 10 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A release of liability given in connection with any claim for personal injury sustained by a releasor is voidable by a releasor within ~~30~~ 60 days after its signing by the releasor, if the releasor signed the release:

(a) Within 30 days after the event that initially caused his or her injury; and

(b) Without the assistance or guidance of an attorney.

2. To void the release of liability pursuant to subsection 1, the releasor shall:

(a) Sign a written notice disclosing the election of the releasor to void the release; and

(b) Within 10 days after signing the notice:

(1) Send the original notice or a signed copy of the notice to the releasee; and

(2) Return any consideration paid by the releasee.

3. A release of liability is void on the date that the notice and any consideration described in subsection 2 are received by the releasee.

4. As used in this section:

(a) "Personal injury" means any mental or physical injury. The term does not include property damage.

(b) "Release of liability" means an agreement executed between a releasor and releasee.

(c) "Releasee" means a party who is being released by the releasor from any claim described in subsection 1.

(d) "Releasor" means a party who agrees to release the releasee from any claim described in subsection 1.

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any party against whom a claim is asserted for compensation or damages for any mental or physical injury under a policy of motor vehicle insurance may require the claimant or any attorney representing the claimant to provide to the party or any attorney of the party and to the insurer a written authorization to receive all medical reports, records and bills related to the claim from the ~~provider~~ providers of health care. An authorization so provided may not be revoked without cause.*

2. *At the written request of the claimant or the attorney of the claimant, copies of all medical reports, records and bills obtained by a written authorization pursuant to subsection 1 must be provided to the claimant or the attorney of the claimant within 30 days after the date they are received by the party, any attorney of the party or the insurer. If the claimant or the attorney of the claimant makes a written request for the medical reports, records and bills, the claimant or the attorney of the claimant shall pay for the reasonable costs of copying the medical reports, records and bills.*

3. *Within 10 days after receipt of a written authorization pursuant to subsection 1, the insurer who issued the policy specified in subsection 1 shall, upon request, provide the claimant or any attorney representing the claimant with ~~[a copy of the relevant policy of motor vehicle insurance and any endorsements, exclusions, limitations or restrictions modifying the policy]~~ all pertinent facts or provisions of the policy relating to any coverage at issue, including policy limits.*

4. *The provisions of subsections 1, 2 and 3 cease to apply upon the commencement of an action in court arising from a claim asserted under a policy of motor vehicle insurance.*

5. *As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 461.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 888.

SUMMARY—Revises provisions ~~[governing the Tahoe Douglas Visitor's Authority]~~ relating to local government finance. (BDR ~~[S-733]~~ 30-733)

AN ACT relating to ~~[taxation]~~ local government finance; requiring the payment of prevailing wages on certain projects of municipalities financed by the sale of certain bonds or on certain projects otherwise undertaken by the Tahoe-Douglas Visitor's Authority; imposing a surcharge on lodging within the Tahoe Township in Douglas County;

authorizing the Tahoe-Douglas Visitor's Authority to take certain actions respecting the establishment and operation of a multiuse event and convention center; authorizing the Authority to issue certain municipal securities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires municipalities to sell certain bonds by competitive bid or negotiated sale. (NRS 350.105-350.195) Section 1 of this bill requires the payment of prevailing wages on any project of a municipality that is financed by the sale of such bonds that: (1) involves the employment of certain workers and laborers; and (2) does not otherwise qualify as a public work. Section 3 of this bill makes those requirements applicable to the Tahoe-Douglas Visitor's Authority and also requires the payment of prevailing wages on any other project of the Authority involving the employment of certain workers and laborers that does not otherwise qualify as a public work.

Existing law requires the Tahoe-Douglas Visitor's Authority to use a portion of the proceeds of the occupancy tax on the rental of lodgings in the Tahoe Township of Douglas County exclusively for: (1) the advertising, publicizing and promotion of tourism and recreation; and (2) the planning, construction and operation of a convention center in the Township. (Section 26 of chapter 496, Statutes of Nevada 1997, at p. 2378)

Section 2 of this bill establishes a \$5 tourism surcharge on the per night charge for the rental of lodgings in the Township. **Sections ~~1~~ 1.7 and 4-12** of this bill make conforming changes.

Section 3 of this bill enacts provisions to govern the issuance of municipal securities by the Authority, which are based on the provisions of existing law governing the issuance of bonds by county fair and recreation boards. **Section 3** authorizes the Authority to take certain actions in connection with the acquisition, improvement and operation of a multiuse event and convention center in the Township. **Sections 3 and 13** of this bill authorize the Authority to issue municipal securities for the acquisition of such a multiuse event and convention center, to be payable from the net revenues of such a multiuse event and convention center, the occupancy tax, the tourism surcharge and any other revenue which may be legally made available for the payment of such bonds. **Section 13** also authorizes a portion of the proceeds of the occupancy tax and the tourism surcharge to be allocated to pay the costs to administer and collect the tourism surcharge, with the remaining proceeds to be used exclusively to pay the principal and interest on the municipal securities issued by the Authority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 350 of NRS is hereby amended by adding thereto a new section to read as follows:

If a project that is financed through the sale of bonds by a municipality in the manner prescribed by NRS 350.105 to 350.195, inclusive:

1. Requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the project; and

2. Does not qualify as a public work, as defined in NRS 338.010, ↪ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the municipality had undertaken the project or had awarded the contract.

Sec. 1.5. NRS 350.105 is hereby amended to read as follows:

350.105 As used in NRS 350.105 to 350.195, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 350.115 to 350.145, inclusive, have the meanings ascribed to them in those sections.

~~Section 1.1~~ *Sec. 1.7.* The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto a new section to be designated as section 15.5, immediately following section 15, to read as follows:

Sec. 15.5. "Tourism surcharge" means the surcharge on lodging imposed by section 19.5 of this act.

Sec. 2. The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto a new section to be designated as section 19.5, immediately following section 19, to read as follows:

Sec. 19.5. 1. There is hereby imposed a tourism surcharge of \$5 on the per night charge for the rental of lodgings in the Township. The tourism surcharge must not be applied for any time during which the lodgings are provided to a guest free of charge. The governing body shall administer the tourism surcharge.

2. Every vendor who furnishes any lodgings within the Township is exercising a taxable privilege.

3. A vendor is not exempt from the tourism surcharge because the taxable premises are at any time located in a political subdivision other than the municipality.

Sec. 3. The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto new sections to be designated as sections 27, 28, 29, 30, 31, ~~and~~ 32 *and 33* immediately following section 26, to read as follows:

Sec. 27. In addition to powers elsewhere conferred, the Authority is authorized and empowered:

1. To establish, construct, purchase, lease, enter into a lease purchase agreement respecting, rent, acquire by gift, grant, bequest, devise, or otherwise acquire, reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate, maintain, operate and manage a

multiuse event and convention center in the Township, including personal property, real property, lands, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years.

2. To insure or provide for the insurance of a multiuse event and convention center against such risks and hazards as the Authority may deem advisable.

3. To arrange or contract for the furnishing by any person, agency, association or corporation, public or private, of services, privileges, works or facilities for, or in connection with, a multiuse event and convention center and to hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

4. To sell, lease, exchange, transfer, assign or otherwise dispose of any real or personal property, or any interest therein acquired for the purpose of this act, including the lease of a multiuse event and convention center acquired by the Authority pursuant to this act, which is to be operated and maintained as a public project and multiuse event and convention center.

5. To fix, and from time to time increase or decrease, rates, tolls or charges for services or facilities furnished in connection with a multiuse event and convention center, and to take such action as necessary or desirable to effect their collection, and, with the consent of the governing body, to provide for the levy by the governing body of ad valorem taxes, the proceeds thereof to be used in connection with the multiuse event and convention center.

6. To receive, control, invest and order the expenditure of any and all moneys and funds pertaining to the multiuse event and convention center or related properties, including, but not limited to, annual grants to the State, the county and incorporated cities in the county for capital improvements for the multiuse event and convention center.

7. To enter into contracts, leases or other arrangements for commercial advertising purposes with any person, partnership or corporation.

8. To exercise all or any part or combination of the powers herein granted to the Authority, except as herein otherwise provided.

9. To sue and be sued.

10. To do and perform any and all other acts and things necessary, convenient, desirable or appropriate to carry out the provisions of this act.

Sec. 28. The Authority, in addition to the other powers conferred upon the Authority pursuant to this act, may:

1. Set aside a fund in an amount that it considers necessary and which may be expended in the discretion of the Authority to promote or

attract conventions, meetings and like gatherings that will utilize the multiuse event and convention center authorized by section 27 of this act. The expenditure is hereby declared to be an expenditure made for a public purpose.

2. Solicit and promote tourism and gaming generally, both individually and through annual grants in cash or in kind, including lease of its facilities to nonprofit groups or associations, and further promote generally the use of its facilities, pursuant to lease agreements, by organized groups or by the general public for the holding of conventions, expositions, trade shows, entertainment, sporting events, cultural activities or similar uses reasonably calculated to produce revenue for the Authority and to enhance the general economy. The promotion of tourism, gaming or the use of facilities may include advertising the facilities under control of the Authority and the resources of the community or area, including tourist accommodations, transportation, entertainment, gaming and climate. The advertising may be done jointly with a private enterprise.

3. Enter into contracts for advertising pursuant to this act and pay the cost of the advertising, including a reasonable commission.

4. Borrow money or accept contributions, grants or other financial assistance from the Federal Government or any agency or instrumentality thereof, corporate or otherwise, for or in aid of a multiuse event and convention center within the Township, and to comply with such conditions, trust indentures, leases or agreements as may be necessary, convenient or desirable. The purpose and intent of this section is to authorize the Authority to do any and all things necessary, convenient or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, acquisition, construction, maintenance or operation of a multiuse event and convention center within the Township.

Sec. 29. 1. For the acquisition of a multiuse event and convention center authorized in section 27 of this act, the Authority, at any time or from time to time may in the name of and on behalf of the Authority, issue municipal securities:

(a) Payable from the net revenues to be derived from the operation of such a multiuse event and convention center;

(b) Secured by a pledge of revenues from the occupancy tax;

(c) Secured by a pledge of revenues from the tourism surcharge;

(d) Secured by revenue to be received by the Authority from any political subdivision of the State pursuant to a loan, note, agreement or any other obligation;

(e) Secured by any other revenue that may be legally made available for their payment; or

(f) Payable or secured by any combination of paragraph (a), (b), (c), (d) or (e), and any or all of such revenues shall be deemed pledged revenues as that term is defined in NRS 350.550.

2. Municipal securities issued pursuant to this act must be authorized by resolution of the Authority, and no further approval by any person, board or commission is required.

3. All determinations of the Authority under this act shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

Sec. 30. The provisions of the Local Government Securities Law shall apply to the issuance by the Authority of any municipal securities pursuant to this act. Any such municipal securities must be executed in the manner provided in the Local Government Securities Law, but the securities must also bear the manual or facsimile signature of an officer of the Authority, or some other person specifically authorized by the Authority to sign the securities.

Sec. 31. The Authority is authorized to sell such municipal securities from time to time in the manner prescribed in NRS 350.105 to 350.195, inclusive, and may employ legal, fiscal, engineering or other expert services in connection with the acquisition, improvement, extension or betterment of the multiuse event and convention center and with the authorization, issuance and sale of the municipal securities.

Sec. 32. In order to insure the payment of the municipal securities of the Authority, the payment of which is secured or is additionally secured, as the case may be, by a pledge of the revenues of the multiuse event and convention center, of any such other income-producing project and of any such excise taxes, as provided in section 29 of this act, or other such special obligation securities so secured, the Authority may establish and maintain, and from time to time revise, a schedule or schedules of fees, rates and charges for services, facilities and commodities rendered by or through the multiuse event and convention center, and any such other income-producing project and a schedule or schedules of any such excise taxes, as the case may be, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the Authority or governing body authorizing the issuances of any of the municipal securities, including any covenant for the establishment of reasonable reserve funds.

Sec. 33. If a project that is financed by the Authority or is otherwise undertaken by the Authority, including, without limitation, pursuant to a lease, lease-purchase agreement or installment-purchase agreement:

1. Requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the project; and

*2. Does not qualify as a public work, as defined in NRS 338.010,
↳ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the*

provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Authority had undertaken the project or had awarded the contract.

Sec. 4. Section 3 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended to read as follows:

Sec. 3. Except as otherwise provided in this act or unless the context otherwise requires, terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the definitions in sections 4 to 18, inclusive, **and section 15.5** of this act, unless the context otherwise requires, govern the construction of this act and of the Local Government Securities Law as applied to the Township.

Sec. 5. Section 7 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 7. "Gross taxable rent" means the total amount of rent paid for lodging, including any associated charges that are normally included in the rent ~~+~~, **including, without limitation, resort fees or similar mandatory fees or charges directly related to the occupancy of transient lodgings, but not including the tourism surcharge.**

Sec. 6. Section 11 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 11. "Occupancy tax" means the tax on lodging imposed by **section 19** of this act.

Sec. 7. Section 14 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 14. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to ~~+~~ **the occupancy tax and tourism surcharge** authorized in this act.

Sec. 7.5. Section 20 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 20. 1. The Tahoe-Douglas Visitor's Authority, consisting of five members, is hereby created.

2. The Authority consists of:

(a) One member appointed by the Board of County Commissioners from among their number; and

(b) Four members who are representatives of the Association of Gaming Establishments whose members collectively paid the largest amount of license fees to the State pursuant to NRS 463.370 in the County in the preceding year, chosen by the board from a list of nominees submitted by the Association. If there is no such association, the four members so appointed must be representatives of gaming licensees.

↪ Each member of the Authority must be a resident of the County.

3. The terms of members appointed pursuant to paragraph (b) of subsection 2 are 4 years. Each member appointed pursuant to paragraph (b) of subsection 2 may succeed himself or herself only twice.

4. If a member ceases to be engaged in the business or occupation which the member was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

5. *Members of the Authority may enter into contracts, leases, franchises and other transactions extending beyond their terms of office as members of the Authority.*

Sec. 8. Section 21 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 21. 1. The municipality may provide that the occupancy tax ***or tourism surcharge*** does not apply:

(a) If a vendee:

(1) Has been a permanent resident of the taxable premises for a period of at least 28 consecutive days; or

(2) Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 28 consecutive days;

(b) If the rent paid by a vendee is less than \$2 a day;

(c) To lodgings at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;

(d) To clinics, hospitals or other medical facilities;

(e) To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; ***or***

(f) ~~If the taxable premises does not have at least three rooms or three other units of accommodations for lodging; or~~

~~—(g) To all or any combination of events or conditions provided in paragraphs (a) to (f),~~ (e), inclusive.

2. The occupancy tax ~~does~~ ***and tourism surcharge do*** not apply to:

(a) Lodgings at institutions of the Federal Government, the State, the municipality or any other public body.

(b) The rental of any lodgings by an employee of the Federal Government, the State or a political subdivision of the State, if the transaction is conducted directly with the governmental entity pursuant to a governmental credit card or a contract, purchase order or similar document executed or authorized by an appropriate official of the governmental entity.

3. *Any ordinance adopted pursuant to this act by the municipality before July 1, 2019, relating to the occupancy tax shall, by operation of law, apply to the tourism surcharge in the same manner as it applies to the occupancy tax.*

Sec. 9. Section 22 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 22. 1. Every vendor providing lodging in the Township shall collect the *occupancy tax and tourism surcharge* and shall act as a trustee therefor.

2. Every vendor providing lodging in the Township shall remit the proceeds of the occupancy tax *and tourism surcharge* to the governing body.

3. The *occupancy tax and tourism surcharge* must be charged separately from the rent fixed by the vendor for the lodgings.

Sec. 10. Section 23 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 23. 1. The governing body may provide by ordinance that:

(a) The payment of the occupancy tax *or tourism surcharge* pertaining to any lodgings is secured by a lien on the real property at the taxable premises where the lodgings are located;

(b) Any such lien securing the payment of a delinquent occupancy tax *or tourism surcharge* may be enforced in the same manner as liens for general taxes ad valorem on real property; and

(c) A vendor is liable for the payment of the proceeds of any occupancy tax *and tourism surcharge* which pertains to the vendor's taxable premises and which the vendor failed to remit to the municipality, because of the vendor's failure to collect the *occupancy tax and tourism surcharge* or otherwise.

2. The governing body may provide for a civil penalty for any such failure in an amount of not more than 10 percent of the amount which was not remitted to the municipality but not less than \$10.

3. The municipality may bring an action in the district court for the collection of any amounts due, including, without limitation, penalties thereon, interest on the unpaid principal at a rate not exceeding 1 percent per month, the costs of collection and reasonable attorney's fees incurred in connection therewith, except for any tax *or surcharge* being collected by the enforcement of a lien pursuant to subsection 1.

Sec. 11. Section 24 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 24. The governing body may provide by ordinance for penalties not to exceed 90 days' imprisonment or a \$300 fine for a failure by any person to pay the *occupancy tax and tourism surcharge*, to remit the proceeds thereof to the municipality or to account properly for any lodging and the *occupancy tax and tourism surcharge* proceeds pertaining thereto.

Sec. 12. Section 25 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 25. The governing body may provide by ordinance, except as limited by or otherwise provided in this act:

1. A procedure for licensing each vendor and for refusing to license a vendor after an opportunity has been given to the vendor for a public hearing by the governing body concerning the issuance of the license;

2. The times, place and method for the payment of the **occupancy tax and tourism surcharge** to the municipality, the account and other records to be maintained in connection therewith, a procedure for making refunds and resolving disputes relating to the **occupancy tax** ~~and~~ **and tourism surcharge**, including exemptions pertaining thereto, the preservation and destruction of records and their inspection and investigation, and, subject to the provisions of subsection 1 of section 23 of this act, a procedure of liens and sales to satisfy such liens; and

3. Other rights, privileges, powers and immunities and other details relating to any licenses, the collection of the occupancy tax **and tourism surcharge** and the remittance of the proceeds thereof to the municipality.

Sec. 13. Section 26 of the Tahoe-Douglas Visitors' Authority Act, being chapter 496, Statutes of Nevada 1997, as amended by chapter 496, Statutes of Nevada 1997, at page 2379, is hereby amended to read as follows:

Sec. 26. 1. From the proceeds of the occupancy tax **and the tourism surcharge** paid by vendors located in the township, the governing body shall:

(a) Pay the principal of, interest on and any prior redemption premiums due in connection with any securities issued by the county pursuant to the Douglas County Lodgers Tax Law which were secured with the proceeds of the occupancy tax collected pursuant to the Douglas County Lodgers Tax Law.

(b) After allocation of those proceeds pursuant to paragraph (a), pay any obligations incurred before July 1, 1997, pursuant to any contractual agreements between the governing body and the Lake Tahoe Visitor's Authority.

2. A portion of the proceeds of the occupancy tax **and the tourism surcharge** paid by vendors located in the Township, not to exceed 1 percent of the amount collected, may be used to collect and administer the **occupancy tax** ~~and~~ **and the tourism surcharge**.

3. One-eighth of the proceeds of the occupancy tax paid by vendors located in the Township must be remitted to the Authority.

4. After allocation pursuant to subsections 1, 2 and 3 of the proceeds of the occupancy tax paid by vendors located in the Township, the remaining proceeds must be allocated as follows:

(a) Except as otherwise provided in paragraph (b), for each Fiscal Year beginning on or after July 1, 1999, 50 percent of those proceeds must be

retained by the governing body for expenditure in any manner authorized for the expenditure of the proceeds of a tax imposed pursuant to the Douglas County Lodgers Tax Law and 50 percent of those proceeds must be remitted to the Authority.

(b) Except as otherwise provided in paragraph (c), for each Fiscal Year beginning on or after July 1, 2000, the governing body shall revise the allocation required pursuant to this subsection in such a manner that the amount of those proceeds retained by the governing body is reduced, and the amount remitted to the Authority is increased, from the amounts for the prior fiscal year by not less than 2 percent and not more than 5 percent of the total amount of the proceeds allocated pursuant to this subsection, until the amount retained by the governing body for each fiscal year equals 35 percent of those proceeds and the amount remitted to the Authority for each fiscal year equals 65 percent of those proceeds.

(c) The governing body may, for not more than one of the Fiscal Years beginning on or after July 1, 2000, elect not to make a revision otherwise required pursuant to paragraph (b).

5. After allocation pursuant to subsections 1 and 2 of the proceeds of the tourism surcharge paid by vendors located in the Township, the remaining proceeds must be remitted to the Authority.

6. The proceeds remitted to the Authority pursuant to subsections 3, ~~and~~ 4 **and** 5 must be used exclusively for:

(a) The advertising, publicizing and promotion of tourism and recreation; ~~and~~

(b) The planning, construction and operation of a *multiuse event and* convention center in the Township ~~+~~; **and**

(c) The payment of principal and interest on the municipal securities issued pursuant to section 29 of this act.

Sec. 14. This act becomes effective on July 1, 2019.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 81.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 902.

AN ACT relating to criminal defense; creating the Department of Indigent Defense Services to oversee criminal defense services provided to indigent persons in this State; creating the Board on Indigent Defense Services consisting of various appointed persons to oversee the Executive Director of the Department and to establish certain policies; requiring the Board to establish the maximum amount a county may be required to pay for the

provision of indigent defense services; authorizing the Board to adopt regulations governing indigent defense services; providing for the transfer of responsibility for the provision of indigent defense services from certain counties to the State Public Defender in certain circumstances; allowing such services to be transferred back to the county in certain circumstances; ~~making an appropriation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 377 of the 2017 Legislative Session created the Nevada Right to Counsel Commission consisting of 13 voting members appointed by the Governor, the Legislature and the Nevada Supreme Court. The Chief Justice of the Supreme Court or his or her designee was to serve as an ex officio nonvoting member of the Commission. The Commission was charged with conducting a study during the 2017-2019 interim concerning issues relating to the provision of legal representation of indigent persons in criminal cases in this State. (Chapter 460, Statutes of Nevada 2017, p. 2940) The Commission is set to expire on July 1, 2019. In its place, **section 6** of this bill creates the Board on Indigent Defense Services and designates the manner in which members must be appointed. Members of the Board serve without compensation, except for per diem allowance and travel expenses. **Section 7** of this bill provides for the organization of the Board, whose voting members will serve for terms of 3 years and may be reappointed. Voting members may be removed by the Governor for incompetence, neglect of duty and certain acts. **Section 8** of this bill sets forth the duties of the Board, which include overseeing the Executive Director of the Department of Indigent Defense Services, which is created in **section 9** of this bill. The Executive Director of the Department serves at the pleasure of the Board. The Board is required to review information concerning indigent defense services in the State and establish: (1) minimum standards for the delivery of indigent defense services; and (2) procedures for receiving and resolving complaints concerning the provision of indigent defense services. The Board is further required to establish standards for providing indigent defense services, which include continuing education requirements for attorneys who provide indigent defense services, uniform tracking of information by such attorneys and guidelines for maximum caseloads of such attorneys. **Section 8** further requires the Board to work with the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, to determine incentives to recommend offering law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

Section 10 of this bill establishes the duties of the Executive Director of the Department of Indigent Defense Services, which include overseeing the functions of the Department, serving as Secretary of the Board, reporting to the Board regarding the work of the Department, developing the budget for the Department and preparing an annual report for submission to the Nevada Supreme Court, the Legislature and the Governor.

Section 11 of this bill requires the Executive Director to select two deputy directors. **Section 12** of this bill makes one deputy director responsible for overseeing the provision of indigent defense services in certain smaller counties. This includes having oversight of the State Public Defender, who is moved from the Department of Health and Human Services to the Department of Indigent Defense Services in **sections 17-19, 21 and 24-26** of this bill. In addition, **section 12** charges this deputy director with determining whether attorneys are eligible to provide indigent defense services in accordance with the requirements established by the Board. This deputy director will also develop and provide continuing legal education programs for attorneys who provide indigent defense services and identify and encourage best practices for delivering effective indigent defense services.

Section 13 of this bill makes the second deputy director responsible for reviewing the manner in which indigent defense services are provided throughout the State. This deputy director will collect information from attorneys about caseloads, salaries and other information and will conduct on-site visits to determine whether indigent defense services are being provided in the most efficient and constitutional manner. If the deputy director determines that a county is not providing such services in a manner which satisfies minimum standards that are established by the Board, **section 13** requires the deputy director to establish a corrective action plan with the board of county commissioners for the county. **Section 14** of this bill requires such a plan to be agreed to by the board of county commissioners and the deputy director and submitted to and approved by the Board. If the board of county commissioners will have to spend more money than was budgeted in the previous year plus inflation to comply with the plan, **section 14** requires the Executive Director to include the additional amount in the budget for the Department to help support the county in providing indigent defense services. If additional money is needed before the next budget cycle, the Executive Director is required to submit a request to the Interim Finance Committee for money from the Contingency Account. If the budget is not approved with the additional amount for the county, a county that is not required to have an office of public defender, which currently means a county other than Clark and Washoe Counties, has the option to continue providing indigent defense services or transfer responsibility for providing such services to the State Public Defender. In addition, if the county fails to meet the minimum standards for the provision of indigent defense services within the time set in the corrective action plan, **section 14** requires the deputy director to inform the Executive Director, who may then recommend establishing another corrective action plan or recommend requiring the county to transfer responsibility for provision of indigent defense services to the State Public Defender. Any recommendation of the Executive Director is required to be submitted to and approved by the Board. Once approved, the county is required to comply with the decision of the Board. In addition, **section 8** requires the Board to establish a formula for determining the maximum amount that a county may be required

to pay for the provision of indigent defense services. This cap also applies when determining the county responsibility in **sections 14 and 23** of this bill.

Sections 20 and 28 of this bill remove obsolete language which requires the State Public Defender and the county public defender to provide indigent defense services within the limits of available money to conform with the provisions of this bill that require appropriate representation be provided to indigent defendants in every case. Existing law provides for a State Public Defender and requires certain large counties to establish an office of public defender. (NRS 180.010, 260.010) Smaller counties are authorized, but not required, to establish an office of public defender. (NRS 260.010) **Sections 22 and 27** of this bill revise these provisions to address their applicability when a county is required to transfer responsibility for the provision of indigent defense services to the State Public Defender. (NRS 180.090, 260.010) **Section 27** further requires each board of county commissioners to cooperate with the Board on Indigent Defense Services and the Department of Indigent Defense Services.

Existing law requires the public defender for a county to make an annual report to the board of county commissioners. (NRS 260.070) **Section 29** of this bill also requires the public defender to make an annual report to the Department of Indigent Defense Services and further requires the board of county commissioners of a county that has a public defender or which contracts for indigent defense services to provide an annual report to the Department with such information as requested by the Department.

~~{Sections 17, 18 and 30 of this bill remove the State Public Defender and employees of the State Public Defender from the classified or unclassified service of the State.} **Section 31** of this bill continues certain definitions applicable to the chapter governing the State Public Defender that were set to expire. **Section 31.3** of this bill staggers the terms of the members of the Board so that approximately 30 percent of the members will be appointed each year. ~~{Section 31.5 of this bill makes an appropriation to allow the Department of Indigent Defense Services to award grants to counties that require assistance to comply with the plan established for the provision of indigent defense services.}~~~~

WHEREAS, Section 1 of Article 1 of the Nevada Constitution recognizes the inalienable right of persons to defend life and liberty; and

WHEREAS, The State is committed to protecting the individual liberties of persons in this State; and

WHEREAS, Section 2 of Article 1 of the Nevada Constitution acknowledges that the paramount allegiance of every citizen is due to the Federal Government in the exercise of all its constitutional powers as have been or may be defined by the Supreme Court of the United States; and

WHEREAS, Under the Sixth and Fourteenth Amendments to the Constitution of the United States, the obligation to provide effective

representation to accused indigent persons at each critical stage of criminal and delinquency proceedings rests with the states; and

WHEREAS, Accordingly, it is the obligation of the Legislature to provide the general framework and resources necessary for the provision of indigent defense services in this State; and

WHEREAS, Although various counties in the State have accepted a large part of the responsibility for the provision of indigent defense, the State remains ultimately responsible for ensuring that such indigent defense services are properly funded and carried out; and

WHEREAS, The Legislature must ensure that adequate public funding is made available so that indigent defense services are provided by qualified and competent counsel in a manner that is fair and consistent throughout the State and at all critical stages of a criminal proceeding; and

WHEREAS, The Legislature must further ensure proper oversight of the provision of defense to indigent persons in this State and respond quickly, effectively and adequately to guarantee that the constitutional mandate of effective assistance of counsel is met; now, therefore

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 171.188 is hereby amended to read as follows:

171.188 1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. ***The record in each such case must indicate that the defendant was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record must also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.***

2. The request must be accompanied by the defendant's affidavit, which must state:

- (a) That the defendant is without means of employing an attorney; and
- (b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.

3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:

- (a) Finds that the defendant is without means of employing an attorney; and
 - (b) Otherwise determines that representation is required,
- the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant. If the appropriate public defender is unable to represent the defendant, or other good cause appears, another attorney must be appointed.

4. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court ~~††~~, *unless the county has transferred the responsibility to provide all indigent defense services for the county to the State Public Defender pursuant to section 14 of this act.* If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for appearance in Justice Court or the city for appearance in municipal court in an amount not to exceed \$75 per case.

Sec. 1.5. NRS 178.397 is hereby amended to read as follows:

178.397 Every defendant accused of a *misdemeanor for which jail time may be imposed*, a gross misdemeanor or a felony *and* who is financially unable to obtain counsel is entitled to have counsel assigned to represent the defendant at every stage of the proceedings from the defendant's initial appearance before a magistrate or the court through appeal, unless the defendant waives such appointment.

Sec. 2. Chapter 180 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive of this act.

Sec. 3. *“Board” means the Board on Indigent Defense Services created by section 6 of this act.*

Sec. 3.5. *“Department” means the Department of Indigent Defense Services created by section 9 of this act.*

Sec. 4. *“Executive Director” means the Executive Director of the Department.*

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. *There is hereby created a Board on Indigent Defense Services within the Department of Indigent Defense Services, consisting of:*

(a) Thirteen voting members appointed as follows:

(1) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada, appointed by the Majority Leader of the Senate.

(2) One member who has expertise in the finances of State Government, appointed by the Speaker of the Assembly.

(3) One member appointed by the Chief Justice of the Nevada Supreme Court who:

(I) Is a retired judge or justice who no longer serves as a judge or justice in any capacity; or

(II) Has expertise in juvenile justice and criminal law.

(4) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada appointed by the Governor.

(5) One member selected by the Board of Governors of the State Bar of Nevada, appointed by the Governor, who:

(I) Is an attorney licensed in this State and a member in good standing of the State Bar of Nevada; and

(II) Resides in a county whose population is less than 100,000.

(6) *Four members selected by the Nevada Association of Counties who reside in a county whose population is less than 100,000, appointed by the Governor. One member must have expertise in the finances of local government.*

(7) *Two members selected by the Board of County Commissioners of Clark County, appointed by the Governor.*

(8) *One member selected by the Board of County Commissioners of Washoe County, appointed by the Governor.*

(9) *One member selected jointly by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities, appointed by the Governor.*

(b) *The Chief Justice of the Nevada Supreme Court may designate one person to serve as a nonvoting member to represent the interests of the Court.*

2. *In addition to the members appointed pursuant to subsection 1, the Governor may appoint up to two additional nonvoting members, one of whom must be upon the recommendation of the Board of Governors of the State Bar of Nevada.*

3. *Each person appointed to the Board must have:*

(a) *Significant experience providing legal representation to indigent persons who are charged with public offenses or to children who are alleged to be delinquent or in need of supervision;*

(b) *A demonstrated commitment to providing effective legal representation to such indigent persons; or*

(c) *Expertise or experience, as determined by the appointing authority, which qualifies the person to contribute to the purpose of the Board or to carrying out any of its functions.*

4. *A person must not be appointed to the Board if he or she is currently serving or employed as:*

(a) *A judge, justice or judicial officer;*

(b) *A legislator or other state officer or employee;*

(c) *A prosecuting attorney or an employee thereof;*

(d) *A law enforcement officer or employee of a law enforcement agency;*

or

(e) *An attorney who in his or her position may obtain any financial benefit from the policies adopted by the Board.*

5. *A person must not be appointed to the Board if he or she is currently employed:*

(a) *Within the Department of Indigent Defense Services;*

(b) *By a public defender; or*

(c) *By any other attorney who provides indigent defense services pursuant to a contract with a county.*

6. *Each member of the Board:*

(a) *Serves without compensation; and*

(b) While engaged in the business of the Board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Board who is an officer or employee of a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Board to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

Sec. 7. 1. Except as otherwise provided in this section, the voting members of the Board on Indigent Defense Services are appointed for a term of 3 years and may be reappointed.

2. The Chair of the Board must be selected at the first meeting from among the voting members of the Board and serves until July 1 of the next year. The Chair for the following year must be selected in the same manner before the expiration of the current term of the sitting Chair. The Chair may be selected to serve another term as Chair.

3. The Governor may remove a voting member of the Board for incompetence, neglect of duty, committing any act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause.

4. A vacancy on the Board must be filled in the same manner as the original appointment by the appointing authority for the remainder of the unexpired term.

5. The Board shall meet regularly upon a call of the Chair. An affirmative vote of a majority of the members of the Board is required to take any action.

Sec. 8. 1. The Board on Indigent Defense Services shall oversee the Executive Director and provide recommendations and advice concerning the administration of the Department. The Board shall:

(a) Receive reports from the Executive Director and provide direction to the Executive Director concerning measures to be taken by the Department to ensure that indigent defense services are provided in an effective manner throughout this State.

(b) Review information from the Department regarding caseloads of attorneys who provide indigent defense services.

(c) Direct the Executive Director to conduct any additional audit, investigation or review the Board deems necessary to determine whether minimum standards in the provision of indigent defense services are being followed and provided in compliance with constitutional requirements.

(d) Work with the Executive Director to develop procedures for the mandatory collection of data concerning the provision of indigent defense services, including the manner in which such services are provided.

(e) Provide direction to the Executive Director concerning annual reports and review drafts of such reports.

(f) Review and approve the budget for the Department.

(g) Review any recommendations of the Executive Director concerning improvements to the criminal justice system and legislation to improve the provision of indigent defense services in this State.

(h) Provide advice and recommendations to the Executive Director on any other matter.

2. In addition to the duties set forth in subsection 1, the Board shall:

(a) Establish minimum standards for the delivery of indigent defense services to ensure that such services meet the constitutional requirements and do not create any type of economic disincentive or impair the ability of the defense attorney to provide effective representation.

(b) Establish a procedure to receive complaints and recommendations concerning the provision of indigent defense services from any interested person including, without limitation, judges, defendants, attorneys and members of the public.

(c) Work with the Department to develop resolutions to complaints or to carry out recommendations.

(d) Adopt regulations establishing standards for the provision of indigent defense services including, without limitation:

(1) Establishing requirements for specific continuing education and experience for attorneys who provide indigent defense services.

(2) Requiring attorneys who provide indigent defense services to track their time and provide reports, and requiring the State Public Defender and counties that employ attorneys or otherwise contract for the provision of indigent defense services to require or include a provision in the employment or other contract requiring compliance with the regulations.

(3) Establishing standards to ensure that attorneys who provide indigent defense services track and report information in a uniform manner.

(4) Establishing guidelines to be used to determine the maximum caseloads for attorneys who provide indigent defense services.

(5) Requiring the Department of Indigent Defense Services and each county that employs or contracts for the provision of indigent defense services to ensure, to the greatest extent possible, consistency in the representation of indigent defendants so that the same attorney represents a defendant through every stage of the case without delegating the representation to others, except that administrative and other tasks which do not affect the rights of the defendant may be delegated. A provision must be included in each employment or other contract of an attorney providing indigent defense services to require compliance with the regulations.

(e) Establish recommendations for the manner in which an attorney who is appointed to provide indigent defense services may request and receive reimbursement for expenses related to trial, including, without limitation, expenses for expert witnesses and investigators.

(f) Work with the Executive Director and the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, or his or her designee, to determine incentives to recommend offering to law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

(g) Review laws and recommend legislation to ensure indigent defendants are represented in the most effective and constitutional manner.

3. The Board shall adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services.

4. The Board shall adopt any additional regulations it deems necessary or convenient to carry out the duties of the Board and the provisions of this chapter.

Sec. 9. 1. The Department of Indigent Defense Services is hereby created.

2. The Executive Director of the Department must be appointed by the Governor from a list of three persons recommended by the Board.

3. The Executive Director:

(a) Is ~~not~~ in the ~~classified or~~ unclassified service of this State;

(b) Serves at the pleasure of the Board on Indigent Defense Services, except that the Executive Director may only be removed upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause;

(c) Must be an attorney licensed to practice law in the State of Nevada; and

(d) Must devote his or her entire time to his or her duties and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of this chapter.

Sec. 10. 1. The Executive Director shall:

(a) Oversee all of the functions of the Department of Indigent Defense Services;

(b) Serve as the Secretary of the Board without additional compensation;

(c) Report to the Board on Indigent Defense Services regarding the work of the Department and provide such information to the Board as directed by the Board;

(d) Assist the Board in determining necessary and appropriate regulations to assist in carrying out the responsibilities of the Department;

(e) Establish the proposed budget for the Department and submit the proposed budget for approval of the Board;

(f) Prepare an annual report concerning indigent defense services in this State which includes information collected by the Department and such other information as requested by the Board; and

(g) Take any other actions necessary to ensure that adequate and appropriate indigent defense services are provided in this State.

2. The report prepared pursuant to paragraph (f) of subsection 1 must be submitted for approval of the Board. The final report must be submitted on or before July 1 of each year to the Nevada Supreme Court, the Legislature and the Office of the Governor. The report may include any recommendations for legislation to improve indigent defense services in this State.

Sec. 11. 1. In addition to the Executive Director, the Department must include not fewer than two deputy directors selected by the Executive Director who serve at the pleasure of the Executive Director.

2. The deputy directors:

(a) Must be attorneys licensed to practice law in the State of Nevada;

(b) Are ~~not~~ in the ~~classified or~~ unclassified service of this State; and

(c) Shall devote their entire time to their duties and shall not engage in any other gainful employment or occupation.

Sec. 12. One deputy director selected pursuant to section 11 of this act must be responsible for:

1. Overseeing the provision of indigent defense services in counties whose population is less than 100,000. Such oversight must include, without limitation:

(a) Oversight of the State Public Defender; and

(b) Determining whether attorneys meet the requirements established by the Board on Indigent Defense Services to be eligible to provide indigent defense services and maintaining a list of such attorneys.

2. Developing and providing continuing legal education programs for attorneys who provide indigent defense services.

3. Identifying and encouraging best practices for delivering the most effective indigent defense services.

4. Providing assistance to counties that must revise the manner in which indigent defense services are provided as a result of the regulations adopted by the Board pursuant to section 8 of this act. Such assistance may include, without limitation, assistance developing a plan and estimating the cost to carry out the plan.

Sec. 13. One deputy director selected pursuant to section 11 of this act must be responsible for reviewing the manner in which indigent defense services are provided throughout the State. To carry out this responsibility, the deputy director shall:

1. Obtain information from attorneys relating to caseloads, salaries paid to criminal defense attorneys and the manner in which indigent defense services are provided.

2. Conduct on-site visits of court proceedings throughout the State to determine the manner in which indigent defense services are provided, including, without limitation, whether:

(a) Minimum standards for the provision of indigent defense services established by the Board on Indigent Defense Services are being followed;

(b) Court rules regarding the provision of indigent defense services are being followed;

(c) Indigent defendants are being asked to provide reimbursement for their representation or to take any other actions that violate the constitution, any law, a court rule or a regulation of the Board; and

(d) Representation of indigent defendants is being provided in an effective manner.

3. Report to the other deputy director upon a determination that any person is providing indigent defense services in an ineffective or otherwise inappropriate manner.

4. Recommend entering into a corrective action plan with any board of county commissioners of a county which is not meeting the minimum standards for the provision of indigent defense services or is in any other manner deficient in the provision of such services.

Sec. 14. 1. If a corrective action plan is recommended pursuant to section 13 of this act, the deputy director and the board of county commissioners must agree on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Department of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the

county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county or to require the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.

Sec. 15. 1. A county that transfers responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act may seek to have the responsibility transferred back to the county by submitting a request to the Executive Director in writing on or before December 31 of an even-numbered year.

2. Upon finding that the county is able to meet minimum standards for the provision of indigent defense services, the Executive Director shall approve transferring the responsibility for the provision of indigent defense services to the county.

3. If the Executive Director denies a request to transfer responsibility for the provision of indigent defense services to a county, the Executive Director must inform the board of county commissioners for the county of the reasons for the denial and the issues that must be resolved before the responsibility

for the provision of indigent defense services will be transferred to the county.

4. If the Executive Director approves a request to transfer responsibility for the provision of indigent defense services to the county, the board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

Sec. 16. NRS 180.002 is hereby amended to read as follows:

180.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 180.003 and 180.004 *and sections 3, 3.5 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 17. NRS 180.010 is hereby amended to read as follows:

180.010 1. The Office of State Public Defender is hereby created within the Department of ~~Health and Human~~ *Indigent Defense Services*.

2. The ~~There shall be a State Public Defender within the Department of Indigent Defense Services who must be appointed by the~~ Governor shall appoint the State Public Defender for a term of 4 years, and until a successor is appointed and qualified.

3. The State Public Defender is responsible to the Executive Director.

4. The State Public Defender:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is ~~not~~ in the ~~classified or~~ unclassified service of the State ~~and serves at the pleasure of the Executive Director.~~

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

~~4.2.1~~ 5. No officer or agency of the State, other than the ~~Governor and the Director of the Department of Health and Human Services,~~ *Executive Director and the deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act* may supervise the State Public Defender. No officer or agency of the State, other than the ~~Governor,~~ *Executive Director or deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act* may assign the State Public Defender duties in addition to those prescribed by this chapter.

Sec. 18. ~~NRS 180.030 is hereby amended to read as follows:~~

~~180.030 1. The State Public Defender may employ:~~

~~(a) Deputy state public defenders who are not in the classified or unclassified service of the State.~~

~~(b) Clerical, investigative and other necessary staff who are not in the classified or unclassified service of the State.~~

~~2. Each deputy state public defender must be an attorney licensed to practice law in the State of Nevada, and shall not engage in the practice of law,~~

~~except in performing the duties of office and as otherwise provided in NRS 7.065. (Deleted by amendment.)~~

~~Sec. 19. [NRS 180.040 is hereby amended to read as follows:~~

~~180.040 1. The [Office of the] State Public Defender shall be *located* in Carson City, Nevada, and the Buildings and Grounds Section of the State Public Works Division of the Department of Administration shall provide necessary office space.~~

~~2. The State Public Defender may establish branch offices necessary to perform the State Public Defender's duties. The State Public Defender shall designate a deputy state public defender to supervise each such office.~~

~~(Deleted by amendment.)~~

Sec. 20. NRS 180.060 is hereby amended to read as follows:

180.060 1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030, 62D.100, 171.188 or 432B.420, ~~and within the limits of available money,~~ represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

- (a) Counsel and defend the indigent person at every stage of the proceedings, including revocation of probation or parole; and
- (b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

5. The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 21. NRS 180.080 is hereby amended to read as follows:

180.080 1. The State Public Defender shall submit:

(a) A report on or before December 1 of each year to the ~~Governor~~ **Executive Director** and to each participating county containing a statement of:

- (1) The number of cases that are pending in each participating county;
- (2) The number of cases in each participating county that were closed in the previous fiscal year;

(3) The total number of criminal defendants represented in each participating county with separate categories specifying the crimes charged and whether the defendant was less than 18 years of age or an adult;

(4) The total number of working hours spent by the State Public Defender and the State Public Defender's staff on work for each participating county; ~~and~~

(5) The amount and categories of the expenditures made by the State Public Defender's office ~~+~~; **and**

(6) Such other information as requested by the Executive Director of the Department of Indigent Defense Services or the Board on Indigent Defense Services.

(b) To each participating county, on or before December 1 of each even-numbered year, the total proposed budget of the State Public Defender for that county, including the projected number of cases and the projected cost of services attributed to the county for the next biennium.

(c) Such reports to the Legislative Commission as the regulations of the Commission require.

2. As used in this section, "participating county" means each county in which the ~~office of public defender has not been created pursuant to NRS 260.010.~~ **State Public Defender acts as the public defender for the county.**

Sec. 22. NRS 180.090 is hereby amended to read as follows:

180.090 Except as provided in subsections 4 and 5 of NRS 180.060, the provisions of ~~this chapter~~ **NRS 180.010 to 180.100, inclusive**, apply only to counties in which the office of public defender has not been created pursuant to the provisions of chapter 260 of NRS.

Sec. 23. NRS 180.110 is hereby amended to read as follows:

180.110 1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year. **The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.**

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

➔ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the State Public Defender's approved budget.

Sec. 24. ~~NRS 7.155 is hereby amended to read as follows:~~

~~7.155 The compensation and expenses of an attorney appointed to represent a defendant must be paid from the county treasury unless the proceedings are based upon a postconviction petition for habeas corpus, in which case the compensation and expenses must be paid from money appropriated to the [Office of] State Public Defender, but after the appropriation for such expenses is exhausted, money must be allocated to the [Office of] State Public Defender from the reserve for statutory contingency account for the payment of such compensation and expenses. (Deleted by amendment.)~~

Sec. 25. ~~NRS 7.165 is hereby amended to read as follows:~~

~~7.165 If at any time after the appointment of an attorney or attorneys the magistrate or the district court finds that money is available for payment from or on behalf of the defendant so that the defendant is financially able to obtain private counsel or to make partial payment for such representation, the magistrate or the district court may:~~

~~1. Terminate the appointment of such attorney or attorneys; or~~

~~2. Direct that such money be paid to:~~

~~(a) The appointed attorney or attorneys, in which event any compensation provided for in NRS 7.125 shall be reduced by the amount of the money so paid, and no such attorney may otherwise request or accept any payment or promise of payment for representing such defendant; or~~

~~(b) The clerk of the district court for deposit in the county treasury, if all of the compensation and expenses in connection with the representation of such defendant were paid from the county treasury, and remittance to the [Office of] State Public Defender, if such compensation and expenses were paid partly from moneys appropriated to the [Office of] State Public Defender and the money received exceeds the amount of compensation and expenses paid from the county treasury. (Deleted by amendment.)~~

Sec. 26. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and

445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department . ~~other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.~~

Sec. 27. NRS 260.010 is hereby amended to read as follows:

260.010 1. In counties whose population is 100,000 or more, the boards of county commissioners shall ~~create~~ **provide** by ordinance **for** the office of public defender.

2. Except as otherwise provided by subsection 4 ~~and~~ **and except if the county voluntarily transfers or has been required to transfer responsibility**

for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act, in counties whose population is less than 100,000, boards of county commissioners may in their respective counties ~~create~~ **provide** by ordinance, at the beginning of a fiscal year, *for* the office of public defender.

3. Except as otherwise provided in subsection 4, if a board of county commissioners intends to ~~create~~ **provide by ordinance for** the office of county public defender, the board shall notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.

4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may ~~create~~ **provide for** the office of county public defender on July 1 of the next even-numbered year if the board notifies the State Public Defender on or before March 1 of the same year in which the office is to be created.

5. The office of public defender when created must be filled by appointment by the board of county commissioners.

6. The public defender serves at the pleasure of the board of county commissioners.

7. Each board of county commissioners shall cooperate with the Board on Indigent Defense Services created by section 6 of this act and the Department of Indigent Defense Services created by section 9 of this act. The board of county commissioners shall:

(a) Ensure that data and information requested by the Board or Department is collected and maintained; and

(b) Provide such information and reports concerning the provision of indigent defense services as requested by the Board or the Department.

8. As used in this section, "indigent defense services" has the meaning ascribed to it in NRS 180.004.

Sec. 28. NRS 260.050 is hereby amended to read as follows:

260.050 1. The public defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he or she has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The public defender shall, when designated pursuant to NRS 62D.030, 171.188 or 432B.420, ~~and within the limits of available money,~~ represent without charge each indigent person for whom he or she is appointed.

3. When representing an indigent person, the public defender shall:

(a) Counsel and defend the person at every stage of the proceedings, including revocation of probation or parole; and

(b) Prosecute, subject to the provisions of subsection 4 of NRS 180.060, any appeals or other remedies before or after conviction that he or she considers to be in the interests of justice.

Sec. 29. NRS 260.070 is hereby amended to read as follows:

260.070 *1.* The public defender shall make an annual report to ~~the~~:

(a) *The* board of county commissioners covering all cases handled by his or her office during the preceding year.

(b) *The Department of Indigent Defense Services created by section 9 of this act which includes any information required by the Department.*

2. The board of county commissioners of each county with a public defender or which contracts for indigent defense services shall provide an annual report to the Department on or before May 1 of each year. The report must include any information requested by the Department concerning the provision of indigent defense services in the county and must include, without limitation, the plan for the provision of indigent defense services for the county for the next fiscal year.

3. As used in this section, “indigent defense services” has the meaning ascribed to it in NRS 180.004.

Sec. 30. ~~NRS 284.140 is hereby amended to read as follows:~~

~~284.140 The unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:~~

~~1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed;~~

~~2. Except as otherwise provided in NRS 223.085, 223.600 and 232.461 and section 9 of this act, all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards;~~

~~3. All employees other than clerical in the Office of the Attorney General [and the State Public Defender] required by law to be appointed by the Attorney General. [or the State Public Defender.];~~

~~4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.~~

~~5. All other officers and employees authorized by law to be employed in the unclassified service.] (Deleted by amendment.)~~

Sec. 31. Section 35 of chapter 460, Statutes of Nevada 2017, at page 2943, is hereby amended to read as follows:

Sec. 35. *1.* This act becomes effective on July 1, 2017. ~~and expires]~~

2. Sections 1, 3, 5, 6 and 8 to 34, inclusive, of this act expire by limitation on June 30, 2019.

Sec. 31.3. The members of the Board on Indigent Defense Services created by section 6 of this act shall serve initial terms ending on:

1. June 30, 2022, for the members appointed by the Chief Justice of the Nevada Supreme Court, the Majority Leader of the Senate, the Speaker of the Assembly and the Governor pursuant to subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 1 of section 6 of this act.

2. June 30, 2021, for two of the members selected by the Nevada Association of Counties pursuant to subparagraph (6) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the Nevada Association of Counties.

3. June 30, 2021, for the member selected by the Board of County Commissioners of Washoe County pursuant to subparagraph (8) of paragraph (a) of subsection 1 of section 6 of this act and one of the members selected by the Board of County Commissioners of Clark County pursuant to subparagraph (7) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the respective Boards.

4. June 30, 2020, for all of the remaining members.

Sec. 31.5. ~~H. There is hereby appropriated from the State General Fund to the Department of Indigent Defense Services created by section 9 of this act the sum of \$15,000,000 to be used to award grants to counties which are required to pay more than budgeted in the previous year plus inflation to provide indigent defense services in a manner that meets the standards for the provision of indigent defense services established by regulation by the Board on Indigent Defense Services pursuant to section 8 of this act.~~

~~2. Grants must be awarded on a first come, first served basis and in accordance with the greatest need, as determined by the Executive Director of the Department. A county seeking a grant must identify the amount of money needed and provide adequate information demonstrating the need for the additional money.~~

~~3. Upon the request of the Legislative Commission, any county which receives a grant pursuant to this section may be requested to demonstrate the manner in which the money is used and shall make available to the Legislative Auditor any of the books, accounts, claims, reports or other records of information, confidential or otherwise, regardless of their form or location, which the Legislative Auditor deems necessary to conduct an audit of the use of the money provided through a grant pursuant to this section.~~

~~4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.~~

(Deleted by amendment.)

Sec. 32. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 33. This act becomes effective:

1. Upon passage and approval for the purpose of ~~establishing~~ **recruiting and selecting the Executive Director and employees of** the Department of Indigent Defense Services created by section 9 of this act, ~~including appointing the Executive Director of the Department,~~ and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act.

2. Upon passage and approval for the purpose of appointing members to the Board on Indigent Defense Services created by section 6 of this act. Members must be appointed by the Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the Chief Justice of the Supreme Court, as applicable, as soon as practicable and assume their positions on July 1, 2019.

3. On October 1, 2019, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 452.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 877.

SUMMARY—Revises provisions governing ethical standards for certain public officers, candidates and lobbyists. (BDR 17-1103)

AN ACT relating to ethical standards in government; revising provisions governing ethical standards for certain public officers, candidates and lobbyists; making various changes relating to lobbying; authorizing the Legislative Commission to adopt regulations to provide certain exemptions and exceptions from the provisions governing lobbying; revising provisions governing the filing by a lobbyist of a supplemental registration statement; revising provisions governing financial disclosure statements filed by certain candidates and public officers; codifying in statute certain existing agency interpretations of the provisions governing lobbying and financial disclosure statements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Lobbying Disclosure Act (**Lobbying Act**) regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau ~~H~~ (**LCB**). (Chapter 218H of NRS) **During the 2015 Legislative Session, the Legislature enacted Senate Bill No. 307 (S.B. 307), which amended the Lobbying Act to prohibit lobbyists from giving gifts**

to members of the Legislative Branch and their immediate families. (Chapter 320, Statutes of Nevada 2015, p. 1711) For the purposes of the Lobbying Act, the term “member of the Legislative Branch” means any Legislator, any member of the Legislator’s staff or any assistant, employee or other person employed with reference to the legislative duties of the Legislator. (NRS 218H.090) Under the gift prohibitions, lobbyists are prohibited from giving gifts to members of the Legislative Branch and their immediate families, whether or not the Legislature is in a regular or special session. (NRS 218H.930) However, there are specific exceptions to the gift prohibitions, which include: (1) political contributions of money or services; (2) commercially reasonable loans made in the ordinary course of business; (3) anything of value provided for educational or informational meetings, events or trips; (4) the cost of parties, meals, functions or other social events to which every Legislator is invited; (5) ceremonial gifts received from donors who are not lobbyists; and (6) gifts from certain relatives and household members. (NRS 218H.045, 218H.060)

In addition to amending the Lobbying Act, S.B. 307 also amended existing law, commonly known as the Financial Disclosure Act, which requires certain public officers and candidates to report particular gifts and other information on financial disclosure statements filed with the Office of the Secretary of State. (Chapter 320, Statutes of Nevada 2015, p. 1711) The amendments made by S.B. 307 provided consistent definitions for certain terms used in both the Lobbying Act and the Financial Disclosure Act, including the terms “gift” and “educational or informational meeting, event or trip.” (NRS 218H.045, 218H.060, 281.5583, 281.5585)

Because S.B. 307 added similar provisions to both the Lobbying Act and the Financial Disclosure Act, it is presumed that the Legislature intended for those provisions to be interpreted and applied in a consistent and uniform manner. (*Savage v. Pierson*, 123 Nev. 86, 94-96 (2007)) In addition, because the LCB is charged with administering the Lobbying Act, it has the power to interpret the Lobbying Act as a necessary incident to its power of administration. (*Clark County Sch. Dist. v. Local Gov’t Employee-Mgmt. Relations Bd.*, 90 Nev. 442, 446 (1974))

In administering the Lobbying Act, the LCB has prepared an instructive LCB Guide for the Legislative Branch (LCB Guide) that provides agency interpretations and explanations to inform and guide members of the Legislative Branch in complying with the Lobbying Act and the Financial Disclosure Act. (*Guide for the Legislative Branch of Nevada State Government—Lobbying and Financial Disclosure: Gifts, Educational and Informational Meetings, Events and Trips and Related Matters*, Nev. LCB Legal Div. (Jan. 11, 2017)) Even though the LCB Guide was prepared primarily for members of the Legislative Branch, the Office of the Secretary of State, which is the agency charged with administering

the Financial Disclosure Act, has posted a hyperlink to the LCB Guide on its official website to provide helpful guidance to public officers, stating that much of the information contained in the LCB Guide is applicable to all public officers who are required to file financial disclosure statements under the Financial Disclosure Act. (Available at the Internet address: <https://www.nvsos.gov/sos/elections/candidate-information/campaign-finance-reporting-requirements/financial-disclosure-statements>)

Sections 2-15, 22-27 and 30 of this bill codify in statute existing interpretations from the LCB Guide regarding the Lobbying Act and the Financial Disclosure Act. Sections 4 and 30 of this bill also provide that the Director of the LCB and the Secretary of State must confer and coordinate to promote consistency and uniformity in the interpretation and application of the Lobbying Act and the Financial Disclosure Act.

For the purposes of the Lobbying Act, the Legislature has declared that the operation of responsible representative government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual Legislators and to legislative committees their opinions on legislation. (NRS 218H.020) With certain exceptions, a lobbyist under the Lobbying Act is a person who: (1) appears in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and (2) communicates directly on behalf of someone other than himself or herself with a ~~Legislator,~~ member of ~~a Legislator's staff or other person employed with reference to a Legislator's legislative duties,~~ **the Legislative Branch to influence legislative action. (NRS 218H.080) **Under existing law, a person who engages in such lobbying activities must register as a lobbyist, with certain exceptions. (NRS 218H.080, 218H.200, 218H.930)****

Section ~~12~~ 20 of this bill authorizes the Legislative Commission to adopt regulations that provide for exemptions and exceptions to the Lobbying Act in order to carry out ~~the declared purpose of the Act,~~ its public purposes, which include securing and promoting the opportunity for the people to petition or lobby their government for the redress of grievances and to exchange information and express their opinions freely with members of the Legislative Branch and legislative committees. Sections 16 and 22 of this bill provide that a person who qualifies for such an exemption or exception is not required to register as a lobbyist in order to engage in such expressive activities.

Under existing law, a person who acts as a lobbyist is required, not later than 2 days after the beginning of that activity, to file a registration statement with the Director of the ~~Legislative Counsel Bureau,~~ **LCB.** (NRS 218H.200) Additionally, existing law requires a ~~registrant,~~ **lobbyist** to file a supplementary registration statement with the Director not later than 5 days after any change in ~~the registrant's last,~~ **the lobbyist's most recent** registration statement. (NRS 218H.220)

Sections 17 and 20 of this bill require: (1) lobbyists to provide additional and more detailed information with their registration statements; and (2) the Director to include that information in the list of lobbyists made available to Legislators and the public. Section ~~17~~ 18 of this bill revises ~~this~~ the deadline for filing a supplementary registration statement ~~to~~ and requires lobbyists to update their registration information: (1) within 24 hours after a change during the time when the Legislature is in regular or special session; and (2) within 14 days after a change during the legislative interim.

Existing law requires a lobbyist to file a notice of termination of lobbying activity within 30 days after the lobbyist ceases such activity. (NRS 218H.230) Section 19 of this bill provides that a lobbyist who ceases lobbying activity during a regular or special session must, within 30 days after ceasing that activity, file with the Director a notice of termination of session activity. However, section 19 also clarifies that the filing of the notice does not relieve the lobbyist of the duty to comply with certain continuing requirements and prohibitions in the Lobbying Act.

Similarly, sections 5 and 21 of this bill clarify that a person who is required to register as a lobbyist is deemed to be a lobbyist for the purposes of certain continuing requirements and prohibitions in the Lobbying Act from the date of the first activity that required registration until the commencement of the next regular session, unless the person ceases all lobbying activities and terminates his or her representation of all lobbying clients and thereafter does not, in any way, engage in such activities or representation.

Existing law in the Financial Disclosure Act requires certain appointed public officers to file a financial disclosure statement within 30 days after their appointment. (NRS 281.559) Existing law also requires the statement to include certain information covering the full calendar year immediately preceding the filing date of the statement, including required information relating to gifts and educational or informational meetings, events or trips. (NRS 281.559, 281.571)

Section 28 of this bill revises the disclosure requirement for the first financial disclosure statement that an appointed public officer must file within 30 days after his or her appointment. If, during the calendar year in which the public officer was appointed, he or she did not serve in any other public office that required the filing of a financial disclosure statement, the public officer must file a financial disclosure statement that: (1) discloses the required information relating to gifts and educational or informational meetings, events or trips for the 30 days immediately preceding the date of his or her appointment; and (2) discloses the other information required by the Financial Disclosure Act for the full calendar year immediately preceding the filing date of his or her statement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. “Client” means a person who employs, retains, contracts for or otherwise uses or engages the services of a lobbyist to represent the interests of the person to one or more members of the Legislative Branch, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

Sec. 3. 1. “Immediate family,” with regard to a specific person, means:

(a) The spouse or domestic partner of the person;

(b) A relative who lives in the same home or dwelling as the person; or

(c) A relative who does not live in the same home or dwelling as the person but who is dependent on and receiving substantial support from the person.

2. For the purposes of this section, “relative” means someone who is related to the person, or to the spouse or domestic partner of the person, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 4. 1. The Director shall:

(a) Administer the provisions of this chapter; and

(b) Provide interpretations and take any other actions necessary to carry out the provisions of this chapter.

2. To the fullest extent practicable, the Director shall confer and coordinate with the Secretary of State to promote consistency and uniformity in the interpretation and application of the provisions of this chapter that are similar to the provisions of the Nevada Financial Disclosure Act in NRS 281.556 to 281.581, inclusive, and section 23 of this act.

Sec. 5. 1. Except as otherwise provided in subsection 2, a person who is required to register as a lobbyist during a regular or special session shall be deemed to be a lobbyist for the purposes of this chapter from the date of the first activity that required registration until the commencement of the next regular session, whether or not the person:

(a) Properly registered as a lobbyist for the regular or special session pursuant to NRS 218H.200; or

(b) Filed a notice of termination of session activity for the regular or special session pursuant to NRS 218H.230.

2. The provisions of subsection 1 do not apply to a person who:

(a) Ceases all lobbying activities and terminates all representation concerning the interests of all clients to all members of the Legislative Branch; and

(b) Thereafter, does not engage in or otherwise provide, or offer, promise, agree or attempt to engage in or otherwise provide, any lobbying activities or

representation concerning the interests of any clients to any members of the Legislative Branch at any time before the commencement of the next regular session.

Sec. 6. NRS 218H.010 is hereby amended to read as follows:

218H.010 This chapter may be cited as the Nevada Lobbying Disclosure **and Regulation Act.**

Sec. 7. NRS 218H.020 is hereby amended to read as follows:

218H.020 The Legislature **hereby finds and** declares that ~~the~~ :

1. The operation of responsible representative government requires that the fullest opportunity be afforded to the people to petition **or lobby** their government for the redress of grievances and to **exchange information and** express **their opinions** freely ~~to individual Legislators and to~~ **with members of the Legislative Branch and** legislative committees ~~their opinions~~ on **matters relating to** legislation ~~or~~ **or any other legislative action.**

2. The primary public purpose of this chapter is to provide both disclosure and regulation of lobbying activities in order to promote and foster the people's faith, trust and confidence in the honesty, integrity and fidelity of their representative government.

3. With regard to the provisions of this chapter regulating gift-giving by lobbyists, the additional public purpose of those provisions is to guard against any possible appearance of impropriety or potential for undue influence and favoritism that may arise from such gift-giving by lobbyists, which will thereby promote and foster the people's faith, trust and confidence in the honesty, integrity and fidelity of their representative government.

4. To further the public purposes of this chapter, the provisions of this chapter must be liberally construed and broadly interpreted to achieve their intended public benefits, and if there is any uncertainty or doubt regarding the interpretation or application of those provisions, that uncertainty or doubt must be resolved in favor of carrying out the public purposes of this chapter.

Sec. 8. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.035 to 218H.110, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 218H.045 is hereby amended to read as follows:

218H.045 1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:

(a) The Legislator or a member of the Legislator's household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include ~~the~~ :

(a) A meeting, event or trip undertaken or attended by a Legislator *or a member of the Legislator's household* for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, ~~or~~ *or the member of the Legislator's household*, unless the Legislator *or the member of the Legislator's household* participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a Legislator or a member of the Legislator's household if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the Legislator or the member of the Legislator's household for the meeting, event or trip or otherwise paid for or reimbursed to the Legislator or the member of the Legislator's household as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A party, meal, function or other social event to which every Legislator is invited where educational or informational displays or materials are available but no formal speech, presentation or other similar action to educate or inform the Legislators occurs.

4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator’s household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator’s household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator’s household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator’s household travels to or from the meeting, event or trip.

Sec. 10. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. “Gift” means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event. **For the purposes of this paragraph, there is a presumption that every Legislator is invited if the party, meal, function or other social event is held at any governmental building, facility or other property or the invitation for or notice of the party, meal, function or other social event indicates that it is a legislative event.**

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from a person who is:

(1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the recipient's household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 11. NRS 218H.070 is hereby amended to read as follows:

218H.070 "Legislative action" means introduction, sponsorship, debate, voting ~~and~~ or any other official action on ~~any~~ :

1. Any bill, resolution, amendment, nomination, appointment, report ~~and any~~ or other matter pending or proposed ~~in~~ before any member of the Legislative Branch, a legislative committee or ~~in~~ either House ~~, or on any~~ ; or

2. Any other matter which may be the subject of action by ~~the Legislature~~ any member of the Legislative Branch, a legislative committee or either House.

Sec. 12. NRS 218H.080 is hereby amended to read as follows:

218H.080 1. "Lobbyist" means, except as limited by subsection 2, a person who:

(a) Appears in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and

(b) Communicates directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action, whether or not any compensation is received for the communication.

2. "Lobbyist" does not include:

(a) Persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying.

(b) Employees of a bona fide news medium who meet the definition of "lobbyist" **set forth in subsection 1** only in the course of their professional

duties and who contact Legislators for the sole purpose of carrying out their news gathering function.

(c) Employees of departments, divisions or agencies of the state government who appear before legislative committees only to explain the effect of legislation **or any other legislative action** related to their departments, divisions or agencies.

(d) ~~Employees~~ **Members** of the ~~Legislature, Legislators, legislative agencies or legislative commissions.~~ **Legislative Branch who are exercising, performing or carrying out their powers, functions, duties or responsibilities on matters relating to legislation or any other legislative action.**

(e) Elected officers of this State and its political subdivisions who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

(f) Persons who contact the Legislators who are elected from the district in which they reside.

(g) Persons who are clients of a lobbyist, unless those persons engage in any activities that independently meet the definition of “lobbyist” set forth in subsection 1.

Sec. 13. NRS 218H.090 is hereby amended to read as follows:

218H.090 **1.** “Member of the Legislative Branch” means any Legislator, any member of the Legislator’s staff or any ~~assistant,~~ **officer,** employee, **assistant** or other person employed with reference to the legislative duties of the Legislator ~~+~~ **or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.**

2. The term includes, without limitation, any officers, employees, assistants, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

Sec. 14. NRS 218H.092 is hereby amended to read as follows:

218H.092 “Member of the Legislator’s household” means a person who is a member of the Legislator’s household for the purposes of **the Nevada Financial Disclosure Act in** NRS 281.556 to 281.581, inclusive ~~+~~ **and section 23 of this act.**

Sec. 15. NRS 218H.100 is hereby amended to read as follows:

218H.100 “Person” includes **, without limitation,** a group of persons acting in concert, whether or not formally organized.

Sec. 16. NRS 218H.200 is hereby amended to read as follows:

218H.200 **1.** Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes ~~+~~ **, unless the person qualifies for an exemption or exception from the requirements to register as**

a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

2. The Director shall not accept a registration statement from a former Legislator who was a member of the Legislature during the immediately preceding regular session in the classification set forth in NRS 218H.500 of a lobbyist who receives any compensation for his or her lobbying activities, unless the former Legislator certifies in writing, under penalty of perjury, that he or she qualifies under the exception set forth in subsection 2 of NRS 218H.950.

Sec. 17. NRS 218H.210 is hereby amended to read as follows:

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, **a recent photograph of the registrant and:**
(a) The name of the registrant's business or employer, if any, and the permanent business address, ~~place,~~ telephone number and electronic mail address of the business or employer;

(b) If different from paragraph (a), the registrant's permanent business address, telephone number and electronic mail address; and

(c) The registrant's temporary address, if any, while lobbying.

2. The full name and complete address of each ~~person,~~ **client of the registrant,** if any, ~~by whom the registrant is retained or employed or on whose behalf the registrant appears.~~ **If the registrant's business or employer has more than one client, the registrant must identify each specific client that the registrant represents from among those clients.**

3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any ~~person by whom~~ **client of** the registrant ~~is retained or employed.~~ The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a financial disclosure statement made by a public officer or candidate pursuant to NRS 281.571.

4. The name of any current Legislator for whom:

(a) The registrant; or

(b) Any ~~person by whom~~ **client of** the registrant ~~is retained or employed.~~

↪ has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

~~{Section 1.}~~ **Sec. 18.** NRS 218H.220 is hereby amended to read as follows:

218H.220 1. ~~{Each person required to register}~~ **Except as otherwise provided in subsection 4, a registrant** shall file a supplementary registration statement with the Director ~~{no later than 5 days}~~ after any change **in the information** in the registrant's ~~{last}~~ **most recent** registration statement ~~{.}~~, **including, without limitation, any change in the information relating to:**

(a) Any address, telephone number or electronic mail address; or

(b) The representation of a client.

2. The supplementary registration statement must be filed as soon as practicable and, if the change in the information occurs while the Legislature:

(a) ~~{During a}~~ Is in a regular or special session, ~~{of the Legislature,}~~ within 24 hours after the change.

(b) ~~{While the Legislature is}~~ Is not in regular or special session, within 14 days after the change.

~~{2.}~~ **3.** The supplementary registration statement must include complete details concerning the changes that have occurred.

4. This section does not apply to a registrant who ceases all lobbying activities and complies with the provisions of subsection 2 of section 5 of this act.

Sec. 19. NRS 218H.230 is hereby amended to read as follows:

218H.230 ~~{Each person required to register shall file a notice of termination within 30 days after the}~~

1. If, during a regular or special session, a registrant ceases the activity that required registration ~~{, but this}, the registrant shall, within 30 days after ceasing that activity, file with the Director a notice of termination of session activity.~~

2. If a registrant files a notice of termination of session activity, the filing of that notice does not relieve the registrant of ~~{the}~~:

(a) The reporting requirement for ~~{that}~~ any reporting period ~~{,}~~ during which the registrant engaged in any lobbying activities, including, without limitation, the reporting period during which the notice of termination of session activity is filed.

(b) The continuing duty to file a supplementary registration statement with the Director pursuant to NRS 218H.220 and to comply with NRS 218H.930 and any other requirement set forth in this chapter until the commencement of the next regular session, unless the registrant ceases all lobbying activities and complies with the provisions of subsection 2 of section 5 of this act.

~~{Sec. 2.}~~ **Sec. 20.** NRS 218H.500 is hereby amended to read as follows:

218H.500 1. The Legislative Commission ~~{shall}~~:

(a) Shall adopt regulations to carry out the provisions of this chapter.

(b) May adopt regulations that provide for exemptions and exceptions from the provisions of this chapter in order to afford to the people the fullest

opportunity to petition or lobby their government for the redress of grievances and to exchange information and express their opinions freely ~~to individual Legislators and to~~ with members of the Legislative Branch and legislative committees ~~their opinions~~ on matters relating to legislation ~~or~~ or any other legislative action.

2. The Legislative Commission may, except as otherwise provided in this subsection, require fees for registration, payable into the Legislative Fund. For the purposes of fees for registration, the Legislative Commission shall classify lobbyists as follows:

(a) Except as otherwise provided in paragraph (c), a lobbyist who receives any compensation for his or her lobbying activities.

(b) Except as otherwise provided in paragraph (c) or (d), a lobbyist who does not receive any compensation for his or her lobbying activities.

(c) Except as otherwise provided in paragraph (d), a lobbyist whose lobbying activities are only on behalf of one or more nonprofit organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). Such a lobbyist is not required to pay a fee of more than \$100 for registration pursuant to this subsection.

(d) A veteran who does not receive compensation for the veteran's lobbying activities and who provides proof of his or her discharge or release from the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions. Such a lobbyist is not required to pay any fee for registration pursuant to this subsection.

3. The Director shall:

(a) Prepare and furnish forms for the statements and reports required to be filed.

(b) Prepare and publish uniform methods of accounting and reporting to be used by persons required to file such statements and reports, including guidelines for complying with the reporting requirements of this chapter.

(c) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(e) Make the statements and reports available for public inspection during regular office hours.

(f) Preserve the statements and reports for a period of 5 years from the date of filing.

~~(g) Compile~~

4. Based on the information that registrants file with the Director pursuant to this chapter, the Director shall compile and keep current an alphabetical list of registrants, which must include ~~each~~:

(a) Each registrant's full name, a recent photograph of the registrant and:
(1) The name of the registrant's business or employer, if any, and the permanent business address, telephone number and electronic mail address of the business or employer;

(2) If different from subparagraph (1), the registrant's permanent business address, telephone number and electronic mail address; and

(3) The registrant's temporary address, ~~the~~ if any, while lobbying.

(b) The full name and complete address of each ~~person for whom~~ client of the registrant ~~is lobbying and the~~, if any. If the registrant's business or employer has more than one client, the list must identify each specific client that the registrant represents from among those clients.

(c) The principal areas of interest on which the registrant expects to lobby.
~~†A†~~

5. The Director shall provide a copy of the list ~~must be furnished~~ compiled pursuant to subsection 4 to ~~each~~ :

(a) Each Legislator ~~†, to the†~~ ;

(b) The clerks of the respective counties for preservation and public inspection ~~†, and to any†~~ ; and

(c) Any person who requests a copy and pays the cost of reproduction.

Sec. 21. NRS 218H.530 is hereby amended to read as follows:

218H.530 1. The Director shall:

(a) Make investigations on the Director's own initiative with respect to any irregularities which the Director discovers in the statements and reports filed and with respect to the failure of any person to file a required statement or report and shall make an investigation upon the written complaint of any person alleging a violation of any provision of this chapter.

(b) Report suspected violations of law to the:

(1) Legislative Commission; and

(2) Attorney General, who shall investigate and take any action necessary to carry out the provisions of this chapter.

2. If an investigation by the Director reveals a violation of any provision of this chapter by a lobbyist, the Director may suspend the lobbyist's registration for a specified period or revoke the lobbyist's registration. The Director shall cause notice of such action to be given to each ~~person who employs or uses~~ client of the lobbyist.

3. A lobbyist whose registration is suspended or revoked by the Director may:

(a) Request a hearing on the matter before the Director;

(b) Appeal to the Legislative Commission from any adverse decision of the Director; and

(c) If the lobbyist's registration is suspended, renew the lobbyist's registration if the Legislature is still in a regular or special session following the period of suspension.

4. A lobbyist whose registration is revoked may, with the consent of the Director, renew the lobbyist's registration if the lobbyist:

(a) Files a registration statement in the form required by NRS 218H.200;

(b) Pays any fee for late filing owed pursuant to NRS 218H.410, plus the fee for registration prescribed by the Legislative Commission; and

(c) If the revocation occurred because of the lobbyist's failure to file an activity report, files that report.

5. If a lobbyist's registration is suspended, the suspension does not relieve the lobbyist of:

(a) The reporting requirement for any reporting period during which the lobbyist engaged in any lobbying activities.

(b) The continuing duty to file a supplementary registration statement with the Director pursuant to NRS 218H.220 and to comply with NRS 218H.930 and any other requirement set forth in this chapter, unless the lobbyist, following the period of suspension, ceases all lobbying activities and complies with the provisions of subsection 2 of section 5 of this act.

6. If a lobbyist's registration is revoked:

(a) The lobbyist shall cease all lobbying activities and terminate all representation concerning the interests of all clients to all members of the Legislative Branch and thereafter shall not engage in or otherwise provide, or offer, promise, agree or attempt to engage in or otherwise provide, any lobbying activities or representation concerning the interests of any clients to any members of the Legislative Branch at any time before the commencement of the next regular session, unless the lobbyist's registration is renewed pursuant to subsection 4.

(b) The revocation does not relieve the lobbyist of:

(1) The reporting requirement for any reporting period during which the lobbyist engaged in any lobbying activities.

(2) The continuing duty to comply with NRS 218H.930, but as a lobbyist whose registration has been revoked, until the commencement of the next regular session or the lobbyist's registration is renewed pursuant to subsection 4, whichever occurs first.

Sec. 22. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in ~~his or her official actions.~~ **any legislative action.**

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family, ~~or~~ **or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift,** whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

4. A ~~person who employs or uses~~ **client of** a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section ~~H~~, **unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.**

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15

or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 23. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this section and NRS 281.556 to 281.581, inclusive, may be cited as the Nevada Financial Disclosure Act.

Sec. 24. NRS 281.556 is hereby amended to read as follows:

281.556 As used in NRS 281.556 to 281.581, inclusive, **and section 23 of this act**, unless the context otherwise requires, the words and terms defined in NRS 281.558 to 281.5587, inclusive, have the meanings ascribed to them in those sections.

Sec. 25. NRS 281.5583 is hereby amended to read as follows:

281.5583 1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:

(a) The public officer or candidate or a member of the public officer’s or candidate’s household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include ~~the~~ :

(a) A meeting, event or trip undertaken or attended by a public officer or candidate ~~or a member of the public officer’s or candidate’s household~~ for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, ~~or the member of the public officer’s or candidate’s household~~, unless the public officer or candidate ~~or the member of the public officer’s or candidate’s household~~ participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a public officer or candidate or a member of the public officer’s or candidate’s household if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the public officer or candidate or the member of the public officer’s or candidate’s household for the meeting, event or trip or otherwise paid for or reimbursed to the public officer or candidate or the member of the public officer’s or candidate’s household as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A meeting, event or trip excluded from the term “educational or informational meeting, event or trip” as defined in NRS 218H.045.

4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer’s or candidate’s household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer’s or candidate’s household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer’s or candidate’s household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer’s or candidate’s household travels to or from the meeting, event or trip.

Sec. 26. NRS 281.5584 is hereby amended to read as follows:

281.5584 “Financial disclosure statement” or “statement” means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.556 to 281.581, inclusive, **and section 23 of this act**, or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.

Sec. 27. NRS 281.5585 is hereby amended to read as follows:

281.5585 1. “Gift” means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term “gift” as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer’s or candidate’s household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 28. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in this section and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a financial disclosure statement, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a financial disclosure statement within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a financial disclosure statement on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

~~1. The~~

2. Except as otherwise provided in subsection 3, the financial disclosure statement that a public officer is required to file pursuant to subsection 1 must disclose the required information for the full calendar year immediately preceding the date of filing.

3. If:

(a) A public officer is required to file a financial disclosure statement within 30 days after his or her appointment pursuant to paragraph (a) of subsection 1; and

(b) During the calendar year in which the public officer was appointed, he or she did not serve in a public office that required the filing of a financial disclosure statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.561,

the public officer shall file a statement which discloses the information required by subsections 5 and 6 of NRS 281.571 for the 30 days immediately preceding the date of his or her appointment and which discloses the other information required by NRS 281.571 for the full calendar year immediately preceding the date of filing.

~~1. 4.~~ 4. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

~~1. 5.~~ 5. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a financial disclosure statement pursuant to the requirements of the Nevada Code of Judicial Conduct. To the extent practicable, such a statement must include, without

limitation, all information required to be included in a financial disclosure statement pursuant to NRS 281.571.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, each financial disclosure statement required by the provisions of NRS 281.556 to 281.581, inclusive, **and section 23 of this act** must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last financial disclosure statement for the last public office held.

Sec. 30. NRS 281.5745 is hereby amended to read as follows:

281.5745 **1. The Secretary of State ~~may adopt~~ shall:**

(a) Administer the provisions of NRS 281.556 to 281.581, inclusive, and section 23 of this act;

(b) Adopt any regulations necessary to carry out the provisions of NRS 281.556 to 281.581, inclusive, ~~and~~ and section 23 of this act; and

(c) Provide interpretations and take any other actions necessary to carry out the provisions of NRS 281.556 to 281.581, inclusive, and section 23 of this act.

2. To the fullest extent practicable, the Secretary of State shall confer and coordinate with the Director of the Legislative Counsel Bureau to promote consistency and uniformity in the interpretation and application of the provisions of NRS 281.556 to 281.581, inclusive, and section 23 of this act that are similar to the provisions of the Nevada Lobbying Disclosure and Regulation Act in chapter 218H of NRS.

Sec. 31. 1. Without limiting their application to any other persons, things or circumstances, the amendatory provisions of this act apply to:

(a) Any person who registered or was required to register as a lobbyist pursuant to chapter 218H of NRS during the 80th Session of the Nevada Legislature.

(b) Any financial disclosure statement that is filed by a public officer or candidate pursuant to NRS 281.556 to 281.581, inclusive, to report information for any reporting period that ends on or after the effective date of this act, whether or not the reporting period began before the effective date of this act.

2. The amendatory provisions of sections 2 to 15, inclusive, subsections 1 and 2 of section 22 and sections 23 to 27, inclusive, and 30 of this act:

(a) Are a legislative pronouncement of already existing law and are intended to clarify rather than change such existing law;

(b) Codify in statute existing interpretations by the Legislative Counsel Bureau of the provisions of chapter 218H of NRS and NRS 281.556 to 281.581, inclusive; and

(c) Apply to any act or conduct that occurs before, on or after the effective date of this act, unless such an application would be unconstitutional under the particular facts and circumstances.

Sec. 32. This act becomes effective upon passage and approval.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 537.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 893.

AN ACT relating to the State Department of Conservation and Natural Resources; providing that the State Department of Conservation and Natural Resources and the Division of Environmental Protection of the Department are authorized to impose remedies other than civil penalties for violations of certain environmental laws; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Department of Conservation and Natural Resources and the Division of Environmental Protection of the Department to impose civil penalties for violations of certain environmental laws, including laws relating to water pollution control, public water systems, the disposal of hazardous waste, storage tanks and the reclamation of land. (NRS 445A.700, 445A.950, 445A.952, 459.585, 459.856, 519A.280) **Sections ~~1-6~~ 1.5-6** of this bill provide that in addition to any other remedy provided, the Department or the Division, respectively, are authorized to impose any other appropriate remedy. **Section 1 of this bill makes conforming changes.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 445A.680 is hereby amended to read as follows:

445A.680 Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or about to engage in any act or practice which violates any provision of NRS 445A.565 and 445A.570, or any standard or other regulation adopted pursuant thereto, with respect to a diffuse source ~~;~~ ~~the Director may:~~

1. ~~Issue~~ **The Director may issue** an order:

(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, or the regulation or order alleged to be violated or about to be violated;

(b) Indicating the facts alleged which constitute a violation thereof; and

(c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action,

↳ but no civil or criminal penalty may be imposed for failure to obey the order.

2. If the corrective action is not taken or completed, or without ***the Director*** first issuing an order ~~1.1~~:

(a) The Director may commence a civil action pursuant to NRS 445A.695 ~~1.1~~; or

(b) The Department may compel compliance by injunction or other appropriate remedy pursuant to subsection 4 of NRS 445A.700.

~~Section 1.1~~ ***Sec. 1.5.*** NRS 445A.700 is hereby amended to read as follows:

445A.700 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates or aids or abets in the violation of any provision of NRS 445A.300 to 445A.730, inclusive, or of any permit, regulation, standard or final order issued thereunder, except a provision concerning a diffuse source, shall pay a civil penalty of not more than \$25,000 for each day of the violation. The civil penalty imposed by this subsection is in addition to any other penalties provided pursuant to NRS 445A.300 to 445A.730, inclusive.

2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, in addition to the penalty provided in subsection 1, the Department may recover from the person actual damages to the State resulting from the violation of NRS 445A.300 to 445A.730, inclusive, any regulation or standard adopted by the Commission, or permit or final order issued by the Department, except the violation of a provision concerning a diffuse source.

3. Damages may include:

(a) Any expenses incurred in removing, correcting and terminating any adverse effects resulting from a discharge or the injection of contaminants through a well; and

(b) Compensation for any loss or destruction of wildlife, fish or aquatic life.

4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 445A.300 to 445A.730, inclusive, or of any permit, regulation, standard or final order adopted or issued thereto, ~~except a provision concerning a diffuse source,~~ by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 2. NRS 445A.950 is hereby amended to read as follows:

445A.950 1. Any supplier of water who:

(a) Violates any standard established pursuant to NRS 445A.855;

(b) Violates or fails to comply with an order issued pursuant to NRS 445A.930 or subsection 1 or 2 of NRS 445A.943;

(c) Violates any condition imposed by the Commission upon granting a variance or exemption under NRS 445A.935;

(d) Violates a regulation adopted by the Commission pursuant to NRS 445A.860 or 445A.880; or

(e) Fails to give a notice as required by NRS 445A.940,
 ↪ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than \$25,000 for each day of the violation.

2. In addition to the civil penalty prescribed in subsection 1, the Division may impose an administrative fine against a supplier of water who commits any violation enumerated in subsection 1. The administrative fine imposed may not be more than \$5,000 per day for each such violation.

3. The civil penalty and administrative fine prescribed in this section may be imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to 445A.955, inclusive.

4. *In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.*

Sec. 3. NRS 445A.952 is hereby amended to read as follows:

445A.952 1. A laboratory for the analysis of water that:

(a) Violates any regulation adopted by the Commission pursuant to NRS 445A.863; or

(b) Violates or fails to comply with an order issued pursuant to subsection 1 or 2 of NRS 445A.943,

↪ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than \$5,000 for each day of the violation.

2. In addition to the civil penalty described in subsection 1, the Division may impose an administrative fine of not more than \$2,500 per day for each violation described in subsection 1.

3. The civil penalty and administrative fine authorized by this section are in addition to any other penalties or relief prescribed by NRS 445A.800 to 445A.955, inclusive.

4. *In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.*

Sec. 4. NRS 459.585 is hereby amended to read as follows:

459.585 1. Any person who violates or contributes to a violation of any provision of NRS 459.400 to 459.560, inclusive, 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, or who does not take action to correct a violation within the time specified in an order, is liable to the Department for a civil penalty of not more than \$25,000 for each day on

which the violation occurs. This penalty is in addition to any other penalty provided by NRS 459.400 to 459.600, inclusive.

2. The Department may recover, in the name of the State of Nevada, actual damages which result from a violation, in addition to the civil penalty provided in this section. The damages may include expenses incurred by the Department in removing, correcting or terminating any adverse effects which resulted from the violation and compensation for any fish, aquatic life or other wildlife destroyed as a result of the violation.

3. *In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 459.400 to 459.560, inclusive, 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.*

Sec. 5. NRS 459.856 is hereby amended to read as follows:

459.856 1. Any person who violates or contributes to a violation of any provision of NRS 459.800 to 459.856, inclusive, or of any regulation adopted or permit or order issued pursuant to those sections, or who does not take action to correct a violation within the time specified in an order, is liable to the Department for a civil penalty of not more than \$5,000 for each day on which the violation occurs. This penalty is in addition to any other penalty provided by NRS 459.800 to 459.856, inclusive.

2. The Department may recover, in the name of the State of Nevada, actual damages which result from a violation, in addition to the civil penalty provided in this section. The damages may include expenses incurred by the Department in removing, correcting or terminating any adverse effects which resulted from the violation and compensation for any damages incurred as a result of the violation.

3. *In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 459.800 to 459.856, inclusive, or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.*

Sec. 6. NRS 519A.280 is hereby amended to read as follows:

519A.280 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates any provision of NRS 519A.010 to 519A.280, inclusive, or any regulation adopted by the Commission pursuant to NRS 519A.160, is guilty of a misdemeanor and, in addition to any criminal penalty, is subject to a civil penalty imposed by the Division at a hearing for which notice has been given, in an amount determined pursuant to the schedule adopted by the Commission pursuant to NRS 519A.160.

2. Any money received by the Division pursuant to subsection 1 must be deposited with the State Treasurer for credit to the appropriate account of the

Division. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

3. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 519A.010 to 519A.280, inclusive, or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 7. This act becomes effective on July 1, 2019.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 10.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 940.

AN ACT relating to general improvement districts; ~~increasing the amount a member of a board of trustees of a general improvement district may be compensated; defining~~ **clarifying** the term “compensation”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets the maximum ~~salary~~ **compensation** a member of a board of trustees of a general improvement district may receive. (NRS 318.085) ~~[This bill increases the amount a member of a board of trustees of a general improvement district may be compensated from \$6,000 to \$9,000. This bill also increases the amount a member of a board of trustees of a general improvement district that is granted certain powers may be compensated from \$9,000 to \$12,000.]~~ This bill ~~[additionally defines]~~ **clarifies that “compensation” [as salary or wages.] does not include any contribution made to the Public Employees’ Retirement System on behalf of a member of a board of trustees.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 318.085 is hereby amended to read as follows:

318.085 Except as otherwise provided in NRS 318.0953 and 318.09533:

1. After taking oaths and filing bonds, the board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.

2. The board shall adopt a seal.

3. The secretary shall keep audio recordings or transcripts of all meetings and, in a well-bound book, a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the book, audio recordings, transcripts and records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the county clerk, at the expense of the district, a corporate surety bond in an amount not more than \$50,000, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The board of county commissioners may, upon good cause shown, increase or decrease the amount of that bond.

5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his or her service not more than \$6,000 ~~[\$9,000]~~ per year. Each member of a board of trustees of a district that is organized or reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his or her service not more than \$9,000 ~~[\$12,000]~~ per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in NRS 318.095.

6. *As used in this section, "compensation" ~~means salary and wages.~~ does not include any contribution made to the Public Employees' Retirement System on behalf of a member of the board of trustees.*

Sec. 2. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 37.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 846.

AN ACT relating to professions; revising the scope of the practice of clinical professional counseling and the practice of marriage and family therapy; revising the expiration date of certain licenses issued by the Board ~~of~~ **Examiners for Marriage and Family Therapists and Clinical Professional Counselors; revising the prorating of certain fees for certain licenses issued by the Board;** revising provisions relating to the issuance of a license by endorsement; revising provisions governing the fees the Board is authorized to charge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to regulate the practice of marriage and family therapy and clinical professional counseling. (Chapter 641A of NRS) Existing law defines the scope of practice for both marriage and family therapy and clinical professional counseling. (NRS 641A.065, 641A.080) **Sections 1 and 2** of this bill remove certain exclusions from the scope of the practice of marriage and family therapy and the practice of clinical professional counseling, thereby allowing the inclusion of those activities within the scope of practice in circumstances that the Board determines are appropriate.

Section 4 of this bill clarifies that the payment of compensation and expenses of employees of the Board must be paid out of money possessed by the Board.

Existing law requires the Board to issue to an applicant who meets the requirements for licensure a license to practice as a marriage and family therapist or a clinical professional counselor, as applicable. Existing law additionally provides that such a license expires on January 1 of each year. Existing law further authorizes the Board to prorate the fee for such a license if the license expires less than 6 months after the date of issuance. (NRS 641A.235) **Section 6** of this bill changes the expiration of a license to practice as a marriage and family therapist or a clinical professional counselor from annually on January 1 to biennially on January 1 of every even-numbered year. ~~{(NRS 641A.235)}~~ **Section 6 additionally requires the Board to prorate the fee for such a license on a monthly basis for the period from the date of issuance until the expiration of the license on January 1 of each even-numbers year.** **Sections 12 and 13** of this bill eliminate the automatic expiration of a license as a marriage and family therapist intern or a clinical professional counselor intern in existing law if the intern changes his or her approved supervisor. (NRS 641A.2872, 641A.2882) **Sections 12 and 13** also clarify the requirements for the renewal of a license as a marriage and family therapist intern or a clinical professional counselor intern.

Existing law authorizes a marriage and family therapist or a clinical professional counselor to obtain an expedited license by endorsement to practice marriage and family therapy or clinical professional counseling, as applicable, in this State if the marriage and family therapist or clinical professional counselor holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. (NRS 641A.241) **Section 7** of this bill extends the deadline by which the Board is required to make a decision on an application for a license by endorsement from 45 days after receipt of the application to 45 days after receipt of all the information from the applicant required by the Board to complete the application.

Under existing law, a person applying for reinstatement of a license that has lapsed continuously for 5 years is required to reapply under the laws and regulations in effect at the time of reapplication. (NRS 641A.280) Existing law also establishes a procedure by which a licensee in good standing with the Board may place his or her license on inactive status. (NRS 641A.285) **Sections 10 and 11** of this bill clarify that the provisions relating to lapsed licenses and inactive licenses only apply to licenses to practice as a marriage and family therapist or clinical professional counselor and not to licenses to practice as a marriage and family therapist intern or clinical professional counselor intern. **Section 11** also authorizes the Board to impose a fee for the renewal of an inactive license to practice as a marriage and family therapist or clinical professional counselor.

Existing law establishes the maximum fees the Board is authorized to charge for certain items. (NRS 641A.290) **Section 14** of this bill ~~increases~~ **revises and sets** the ~~maximum~~ fee ~~allowable~~ for certain items and authorizes the Board to charge various new fees for certain items, including, without limitation: (1) the biennial renewal or reinstatement of a license on inactive status; (2) the renewal of an intern's license; and (3) items relating to the approval of a course or program of continuing education and the approval of a provider of such a course or program. **Section 8** of this bill provides for a 10-day grace period for the payment of a renewal fee by a marriage and family therapist or clinical professional counselor upon the expiration of his or her license. **Sections 12 and 13** provide a similar grace period for the payment of a renewal fee by a marriage and family therapist intern or a clinical professional counselor intern. **Sections 5, 7-9** and ~~9~~ **11-13** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 641A.065 is hereby amended to read as follows:

641A.065 1. "Practice of clinical professional counseling" means the provision of treatment, assessment and counseling, or equivalent activities, to a person or group of persons to achieve mental, emotional, physical and social development and adjustment.

2. The term includes ~~the~~

~~—(a) Counseling} **counseling** interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health. ~~the~~ and~~

~~—(b) The assessment or treatment of couples or families, if the assessment or treatment is provided by a person who, through the completion of course work or supervised training or experience, has demonstrated competency in the assessment or treatment of couples or families as determined by the Board.}~~

3. The term does not include ~~the~~

~~—(a) The practice of psychology or medicine;~~

~~—(b) The prescription of drugs or electroconvulsive therapy;~~

~~—(c) The treatment of physical disease, injury or deformity;~~

~~—(d) The diagnosis or treatment of a psychotic disorder;~~

~~—(e) The use of projective techniques in the assessment of personality;~~

~~—(f) The} **the** use of ~~psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;~~~~

~~—(g) The use of individually administered} **psychometric** ~~[intelligence tests, academic achievement tests or neuropsychological tests; or~~~~

~~—(h) The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed clinical psychologist.} **tests, assessments or measures, including, without limitation, psychological, neuropsychological, developmental, neurodevelopmental, cognitive, neurocognitive, intelligence, achievement, personality or projective tests.**~~

Sec. 2. NRS 641A.080 is hereby amended to read as follows:

641A.080 1. “Practice of marriage and family therapy” means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of interpersonal relationships, including, without limitation, marital and family systems, and involves the professional application or use of psychotherapy, counseling, evaluation, assessment instruments, consultation, treatment planning, supervision, research and prevention of mental and emotional disorders.

2. The term includes, without limitation, the rendering of professional marital and family therapy services to a person, couple, family or family group or other group of persons.

~~2.} 3. The term does not include ~~the~~~~

~~—(a) The diagnosis or treatment of a psychotic disorder; or~~

~~—(b) The} **the** use of ~~a psychological or} psychometric ~~[assessment test to determine intelligence, personality, aptitude, interests or addictions.} tests, assessments or measures, including, without limitation, psychological, neuropsychological, developmental, neurodevelopmental, cognitive, neurocognitive, intelligence, achievement, personality or projective tests.~~~~~~

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 641A.205 is hereby amended to read as follows:

641A.205 All money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of compensation and expenses of *the members and employees of the Board* ~~members~~ and for other necessary or proper purposes in the administration of this chapter.

Sec. 5. NRS 641A.210 is hereby amended to read as follows:

641A.210 1. Each person desiring a license must apply to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the ~~application~~ fee *for the application for an initial license and the fee for the initial issuance of the license* prescribed by the Board, and all information required to complete the application.

2. The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:

(a) Be available to be completed on the Internet website maintained by the Board;

(b) Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

(c) Automatically store the data submitted by the applicant upon completion of the application.

Sec. 6. NRS 641A.235 is hereby amended to read as follows:

641A.235 1. The Board shall issue a license *to practice as a marriage and family therapist or clinical professional counselor* to an applicant who meets the requirements imposed pursuant to this chapter.

2. ~~Except as otherwise provided in NRS 641A.2872 and 641A.2882, a~~ A license to practice as a marriage and family therapist or clinical professional counselor expires on January 1 of each even-numbered year.

3. The Board ~~may~~ *shall* prorate the fee for *the application for an initial license and the fee for the initial issuance of* a license to practice as a marriage and family therapist or clinical professional counselor ~~which expires less than 6 months 1 year after~~ *based on the number of months remaining in the period from* the date of issuance, ~~+~~ *until the expiration of the license on January 1 of each even-numbered year.*

Sec. 7. NRS 641A.241 is hereby amended to read as follows:

641A.241 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

- (1) Satisfies the requirements of subsection 1;
 - (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;
 - (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a marriage and family therapist or clinical professional counselor, as applicable; and
 - (4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
- (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;
 - (c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for an initial license and for the initial issuance of a license; and
 - (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 7.5. NRS 641A.242 is hereby amended to read as follows:

641A.242 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

- (a) Holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States; and
- (b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for an initial license and for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a marriage and family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 8. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of ~~the~~ his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board ~~§~~, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. ~~The~~ Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license ~~§~~ to practice as a marriage and

family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

Sec. 9. NRS 641A.270 is hereby amended to read as follows:

641A.270 Failure to pay the fee for renewal automatically effects a revocation of ~~the~~ a license ~~on~~ to practice as a marriage and family therapist or clinical professional counselor 10 business days after the date of expiration of the license. The license may not be reinstated except upon:

1. Written application;
2. Submission of evidence of the completion of the required continuing education for the period the license to practice as a marriage and family therapist or clinical professional counselor was revoked ~~it~~, unless the Board has granted a waiver pursuant to NRS 641A.265; and
3. The payment of the fee for the biennial renewal of a license and the fee for ~~reinstatement~~ the late payment of the biennial renewal required by this chapter.

Sec. 10. NRS 641A.280 is hereby amended to read as follows:

641A.280 After a license to practice as a marriage and family therapist or clinical professional counselor has lapsed continuously for 5 years, a person applying for reinstatement of such a license must reapply under the laws and regulations in effect at the time of application.

Sec. 11. NRS 641A.285 is hereby amended to read as follows:

641A.285 1. Upon written request to the Board and payment of the fee for the placement of a license on inactive status prescribed by the Board, a ~~licensee~~ marriage and family therapist or clinical professional counselor in good standing may have his or her name and license transferred to an inactive list for a period not to exceed 3 continuous years. A ~~licensee~~ marriage and family therapist or clinical professional counselor shall not practice marriage and family therapy or clinical professional counseling, as applicable, during the time the license is inactive. If an inactive ~~licensee~~ marriage and family therapist or clinical professional counselor desires to resume the practice of marriage and family therapy or clinical professional counseling, as applicable, the Board must reactivate the license upon the:

- (a) Completion of an application for reactivation;
- (b) Payment of the fee for the biennial renewal of the license; and
- (c) Demonstration, if deemed necessary by the Board, that the ~~licensee~~ marriage and family therapist or clinical professional counselor is then qualified and competent to practice.

↳ Except as otherwise provided in subsection 2, the ~~licensee~~ marriage and family therapist or clinical professional counselor is not required to pay the ~~delinquency~~ fee for the for the biennial renewal fee of a license or the fee

for the late payment of the biennial renewal for any year while the license was inactive.

2. Any license to practice as a marriage and family therapist or clinical professional counselor that remains inactive for a period which exceeds 3 continuous years is deemed:

(a) To effect a revocation for the purposes of NRS 641A.270.

(b) To have lapsed at the beginning of that period for the purposes of NRS 641A.280.

3. The Board may adopt such regulations as it deems necessary to carry out the provisions of this section, including without limitation, regulations governing the renewal of such inactive licenses, the imposition of a fee for the renewal of an inactive license and any requirement of continuing education for inactive ~~licenses.~~ marriage and family therapists or clinical professional counselors.

Sec. 12. NRS 641A.2872 is hereby amended to read as follows:

641A.2872 1. The Board shall issue a license as a marriage and family therapist intern to an applicant who meets the requirements imposed pursuant to this chapter.

2. A license as a marriage and family therapist intern:

~~It.~~ ~~Is~~

(a) Except as otherwise provided in paragraph (b), is valid for 3 years and may be renewed not more than once. ~~It.~~ ~~and~~

~~2.~~ (b) Expires upon:

~~(a)~~ (1) The termination of the supervision agreement with an approved supervisor; or

~~(b)~~ A change in the approved supervisor; or

~~(c)~~ (2) The issuance of a license as a marriage and family therapist to the holder of the license as a marriage and family therapist intern.

3. To renew a license as a marriage and family therapist intern, the holder of the license must, on or before 10 business days after the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the renewal of an intern's license set by the Board; and

(c) Submit all information required to complete the renewal.

Sec. 13. NRS 641A.2882 is hereby amended to read as follows:

641A.2882 1. The Board shall issue a license as a clinical professional counselor intern to an applicant who meets the requirements imposed pursuant to this chapter.

2. A license as a clinical professional counselor intern:

~~It.~~ ~~Is~~

(a) Except as otherwise provided in paragraph (b), is valid for 3 years and may be renewed not more than once. ~~It.~~ ~~and~~

~~2.~~ (b) Expires upon:

~~(a)~~ (1) The termination of the supervision agreement with an approved supervisor; or

~~[(b) A change in the approved supervisor; or
 (c)]~~ (2) The issuance of a license as a clinical professional counselor to the holder of the license as a clinical professional counselor intern.

3. To renew a license as a clinical professional counselor intern, the holder of the license must, on or before 10 business days after the date of expiration of the current license:

- (a) Apply to the Board for renewal;
- (b) Pay the fee for the renewal of an intern's license set by the Board; and
- (c) Submit all information required to complete the renewal.

Sec. 14. NRS 641A.290 is hereby amended to read as follows:

641A.290 1. ~~[The]~~ Except as otherwise provided in subsection 2, the Board shall ~~[charge and collect not more than the following]~~ establish a schedule of fees ~~[, respectively;]~~ for the following items ~~[and within the following ranges;]~~ which must not exceed the following amounts:

	[Not less than	Not more than
For application [and initial issuance of a] Application for an initial license	[\$125	\$75-\$250] \$150
Initial issuance of a license	60	
[For examination of an applicant for a license to practice as a marriage and family therapist or clinical professional counselor Examination	200	400
For issuance of a license	50	
For annual [Biennial] Biennial renewal of a license to practice as a marriage and family therapist or clinical professional counselor	[300	150-600] 450
[For reinstatement of a license revoked for nonpayment of the fee] Fee for [renewal] late payment of the biennial renewal	[100	400] 125
[For an] Placement of a license to practice as a marriage and family therapist or clinical professional counselor on inactive license] status	[100	150-400] 200
Renewal of an intern's license	[100	200] 150
Issuance of a duplicate license	10	[100]

<i>Reevaluation of an applicant's coursework</i>	50	125
<i>Application for approval as a supervisor</i>	75	300
<i>Approval of a course or program of continuing education</i>	10	100 25
<i>Approval of a provider of continuing education</i>	100	500 150

2. If an applicant submits an application for a license by endorsement pursuant to NRS 641A.242, the Board shall collect not more than one-half of the fee ~~set forth in~~ established pursuant to subsection 1 for the application for and initial issuance of the license.

Sec. 15. 1. This section and sections 1, 2, 4, 5 and 7 to 14, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out those provisions, and on July 1, 2019, for all other purposes.

2. Section 6 of this act becomes effective on January 1, 2020.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 53.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 748.

SUMMARY—Revises provisions governing the ~~review of certain mining regulations by~~ **Mining Oversight and Accountability Commission**. (BDR 46-218)

AN ACT relating to mining; revising provisions governing the ~~review of certain mining regulations by~~ **membership of** the Mining Oversight and Accountability Commission; **temporarily revising provisions governing the review of certain mining regulations by the Commission**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Mining Oversight and Accountability Commission, **prescribes its membership** and requires the Commission to provide oversight of compliance with Nevada law relating to the activities of each state agency, board, bureau, commission, department or division with respect to the taxation, operation, safety and environmental regulation of mines and mining in this State. (NRS 514A.040, 514A.060) **Section 1 of this bill:**

(1) removes a provision intended to ensure that not more than two members of the Commission are appointed from any one county in this State; (2) provides that a member serves until his or her successor is appointed and qualified; and (3) authorizes a member to be reappointed.

Under existing law, certain regulations relating to mines or mining are not effective unless they are reviewed by the Mining Oversight and Accountability Commission before they are approved by the Legislative Commission or its Subcommittee to Review Regulations. (NRS 514A.110) ~~[This]~~ **Sections 1.5 and 2 of this bill [provides] provide that until June 30, 2020,** if the Mining Oversight and Accountability Commission fails to review certain regulations relating to mines or mining adopted by the Commission on Mineral Resources or the State Environmental Commission within 30 days after their adoption, the regulations will become effective **if approved** in accordance with the applicable provisions of the Nevada Administrative Procedure Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 514A.040 is hereby amended to read as follows:

514A.040 1. There is hereby created the Mining Oversight and Accountability Commission consisting of seven members appointed as follows:

- (a) Two members appointed by the Governor;
- (b) Two members appointed by the Governor from a list of persons recommended by the Majority Leader of the Senate;
- (c) Two members appointed by the Governor from a list of persons recommended by the Speaker of the Assembly; and
- (d) One member appointed by the Governor from a list of persons recommended by the Minority Leader of the Senate or the Minority Leader of the Assembly. The Minority Leader of the Senate shall recommend persons for appointment for the initial term, the Minority Leader of the Assembly shall recommend persons for appointment for the next succeeding term, and thereafter, the authority to recommend persons for appointment must alternate each biennium between the Houses of the Legislature.

2. The Governor, Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate and Minority Leader of the Assembly shall confer before the Governor makes an appointment to ensure that ~~+~~

~~— (a) Not more than two of the members are appointed from any one county in this State; and~~

~~— (b) Not not more than two of the members have a direct or indirect financial interest in the mining industry or are related by blood or marriage to a person who has such an interest.~~

3. Each member of the Commission serves for a term of 2 years, ~~+~~ **and until his or her successor is appointed and qualified. A member may be reappointed.**

4. A vacancy on the Commission must be filled by the Governor in the same manner as the original appointment.

~~Section 1.1~~ **Sec. 1.5.** NRS 514A.110 is hereby amended to read as follows:

514A.110 ~~1A~~

1. Except as otherwise provided in this section, a permanent regulation adopted by the:

~~1.1~~ **(a)** Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;

~~1.2~~ **(b)** Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;

~~1.3~~ **(c)** Commission on Mineral Resources pursuant to NRS 513.063, 513.094 or 519A.290; and

~~1.4~~ **(d)** State Environmental Commission pursuant to NRS 519A.160,
 ↪ is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067. After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations, as appropriate.

2. If the Mining Oversight and Accountability Commission fails to review a permanent regulation described in paragraph (c) or (d) of subsection 1 within 30 days after its adoption, the regulation may be approved without such a review pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067 and becomes effective in accordance with the provisions of NRS 233B.070.

Sec. 2. 1. This act becomes effective upon passage and approval.

2. Section 1.5 of this act expires by limitation on June 30, 2020.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 923.

AN ACT relating to landscape architecture; ~~requiring~~ authorizing the State Board of Landscape Architecture to accept credit cards, debit cards and electronic transfers of money for the payment of certain fees; ~~authorizing the Board to contract for the acceptance of such methods of payment;~~ increasing the maximum amount of fees relating to the licensure of a landscape architect and a landscape architect intern; revising provisions relating to complaints filed with the State Board of Landscape Architecture; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in the practice of landscape architecture unless he or she has been issued a certificate of registration or a certificate to practice as a landscape architect intern by the State Board of Landscape Architecture. (NRS 623A.165) Existing law requires the Board to prescribe certain fees related to the issuance and renewal of a certificate of registration and a certificate to practice as a landscape architect intern. (NRS 623A.240) **Section 2** of this bill increases the maximum amount of such fees and provides that the fees are payable in advance. **Section 2** also specifies that the Board must prescribe a separate application fee for a certificate of registration and a certificate to practice as a landscape architect intern and authorizes the Board to credit money paid to apply for a certificate to practice as a landscape architect intern toward the application fee for a certificate of registration.

Under existing law, all fees paid to the Board must be paid in the form of a check, cashier's check or money order. (NRS 623A.240) Section 2 expands the acceptable forms of payment to include credit cards, debit cards and electronic transfers of money. ~~Section 1 of this bill authorizes the Board to enter into contracts with issuers of credit cards, debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of such methods of payment and authorizes the Board to charge and collect a convenience fee in certain circumstances.~~

Under existing law, complaints against a landscape architect or landscape architect intern may be filed with the Executive Director of the State Board of Landscape Architecture. (NRS 623A.290) The President of the Board or a designee of the President is required to consider the complaint and make a recommendation to the Board if further proceedings are warranted. (NRS 623A.305) **Section 3** of this bill removes the President or his or her designee from this process and instead requires the Executive Director to consider each complaint and make a recommendation to the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~Chapter 623A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Board may enter into contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of~~

~~money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the Board for the payment of fees prescribed pursuant to NRS 623A.240.~~

~~2. If the issuer or operator charges the Board a fee for each use of a credit card or debit card or for each electronic transfer of money, the Board may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the Board in a fiscal year must not exceed the total amount of fees charged to the Board by the issuer or operator in that fiscal year.~~

~~3. As used in this section:~~

~~(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.~~

~~(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to the Board for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.~~

~~(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.~~

~~(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.~~

~~(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.~~

~~(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.~~ (Deleted by amendment.)

Sec. 2. NRS 623A.240 is hereby amended to read as follows:

623A.240 1. The following fees must be prescribed by the Board and must not exceed the following amounts:

Application fee for a certificate of registration	[\$200.00] \$300.00
Application fee for a certificate to practice as a landscape architect intern	[\$100.00] 50.00
Examination fee.....	100.00,
	plus the actual
	cost of the
	examination
Certificate of registration.....	[\$25.00] 50.00
Certificate to practice as a landscape architect intern	50.00
Annual renewal fee.....	[\$200.00] 300.00
Reinstatement fee	[\$300.00] 400.00
Delinquency fee.....	[\$50.00] 100.00

Change of address fee.....~~10.00~~ **20.00**
 Copy of a document, per page.....~~.25~~ **.50**

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

3. The Board may ~~authorize a landscape architect intern to pay~~ **deem the payment of** the application fee **for a certificate to practice as a landscape architect intern** or any portion of that fee ~~during any period in which he or she is the holder of a certificate to practice as~~ **by** a landscape architect intern ~~to also apply to the application fee for a certificate of registration.~~ If a landscape architect intern pays ~~the~~ **an application** fee ~~for any portion of the fee during that period,~~ **so deemed by the Board**, the Board shall credit the amount ~~paid~~ **deemed to apply to the application fee for a certificate of registration** towards the entire amount of the application fee for the certificate of registration required pursuant to this section.

4. The fees prescribed by the Board pursuant to this section must be paid in United States currency in the form of a check, cashier's check ~~or~~ **or** money order ~~or, if applicable, credit card, debit card or electronic transfer of money.~~ If any check **or other method of payment** submitted to the Board is dishonored upon presentation for payment, repayment of the fee, including the fee for a returned check in the amount established by the State Controller pursuant to NRS 353C.115, must be made by money order or certified check.

5. The fees prescribed by the Board pursuant to this section are **payable in advance and** nonrefundable.

6. *As used in this section:*

(a) ~~“Credit card” has the meaning ascribed to it in section 1 of this act.~~ **means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.**

(b) ~~“Debit card” has the meaning ascribed to it in section 1 of this act.~~ **means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.**

(c) ~~“Electronic transfer of money” has the meaning ascribed to it in NRS 463.01473.~~

Sec. 3. NRS 623A.305 is hereby amended to read as follows:

623A.305 1. When a complaint is filed with the Executive Director of the Board, it must be considered by the ~~President of the Board or a member of the Board designated by the President.~~ **Executive Director**. If it appears to the ~~President or the person designated by the President~~ **Executive Director** that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Board in a manner which

does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the ~~President or a person designated by the President~~ **Executive Director** and shall dismiss the complaint or proceed with disciplinary action pursuant to chapter 622A of NRS.

Sec. 4. This act becomes effective on July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 371.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 842.

AN ACT relating to manufactured homes; revising requirements relating to the maintenance of a manufactured home park or repair of a manufactured home in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord of a manufactured home park to maintain the manufactured home park, and certain portions of and structures within the manufactured home park, in specified manners. (NRS 118B.090) **Section 1** of this bill authorizes, under certain circumstances, a person to perform such maintenance without obtaining a license. Specifically, **section 1** authorizes a person who is licensed as a contractor to perform any such maintenance if the maintenance does not affect the fuel systems or structural systems of a manufactured home. In addition, **section 1** allows a person who does not have any type of license to perform any such maintenance if it: (1) does not affect the fuel systems or structural systems of a manufactured home; (2) does not require a permit; and (3) has a value of less than \$1,000 and is not required to be performed by a licensed contractor. Further, **section 1** provides for certain complaints to be filed with the Housing Division of the Department of Business and Industry and certain final orders relating to such complaints to be forwarded to the State Contractors' Board ~~for further disciplinary action.~~

Existing law requires most repairs performed on a manufactured home to be performed by a person licensed to make such repairs. (NRS 118B.097) **Section 2** of this bill authorizes, under the same circumstances, a person to perform such repairs without obtaining a license and for complaints to be filed with the Division and certain final orders to be forwarded to the State Contractors' Board ~~for further disciplinary action.~~

Sections 3-5 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118B.090 is hereby amended to read as follows:

118B.090 1. The landlord shall:

- (a) Maintain all common areas of the park in a clean and safe condition;
- (b) Maintain in good working order all electrical, plumbing and sanitary facilities, appliances and recreational facilities which the landlord furnishes;
- (c) Maintain in a safe and secure location individual mail boxes for the tenants if the mail is delivered to the landlord for distribution to the tenants;
- (d) Maintain all driveways within the park and sidewalks adjacent to the street; and
- (e) Remove snow from the sidewalks and streets within the park, and from sidewalks adjacent to the street.

2. Except as otherwise provided in this subsection, the maintenance required by paragraph (a) of subsection 1 includes maintaining, in good working order, any aboveground or underground utility service apparatus located on each manufactured home lot, up to the disconnection point, which is not an appurtenance of the manufactured home. Maintenance is not required on any such apparatus that has been damaged by the tenant of the manufactured home lot.

3. ~~Any~~ **Except as otherwise provided in subsections 4 and 5, any maintenance [to a utility service apparatus, as] described in [subsection 2,] this section** may be performed legally only by a person who is qualified by licensure **pursuant to chapter 489 of NRS** to perform such maintenance, and:

- (a) A person shall not perform the maintenance unless the person has such qualifications; and
- (b) The landlord, or his or her agent or employee, shall not employ a third party to perform the maintenance if he or she knows, or in light of all of the surrounding facts and circumstances reasonably should know, that the third party does not have such qualifications.

4. A person may perform any maintenance described in this section without obtaining a license pursuant to chapter 489 of NRS if:

- (a) The maintenance does not affect the fuel systems or structural systems of a manufactured home; and**
- (b) The person performing the maintenance is appropriately licensed pursuant to chapter 624 of NRS.**

5. A person may perform any maintenance described in this section without obtaining a license pursuant to chapter 489 or 624 of NRS if:

- (a) The maintenance does not affect the fuel systems or structural systems of a manufactured home;**
- (b) The maintenance does not require a permit before the maintenance may be performed; and**

(c) *The value of the maintenance is less than \$1,000 and the provisions of chapter 624 of NRS do not require the person to be licensed pursuant to chapter 624 of NRS to perform the maintenance.*

6. *Any complaint concerning maintenance performed pursuant to this section by a person licensed pursuant to chapter 624 of NRS:*

(a) *May be filed with the ~~[State Contractors' Board,] Division; and~~*

(b) *~~If received by the Administrator or the Division, may be forwarded by the Administrator or the Division, as applicable,] Division issues a final order finding that an act or omission occurred which is a ground for disciplinary action pursuant to NRS 489.416, the Division shall forward the final order and any related findings and conclusions to the State Contractors' Board ~~[]~~ for consideration of further disciplinary action pursuant to chapter 624 of NRS.~~*

Sec. 2. NRS 118B.097 is hereby amended to read as follows:

118B.097 1. ~~[[a] Except as otherwise provided in subsections 3 and 4,~~ any repair to a manufactured home, *including, without limitation, any repair which may affect the structural, electrical, plumbing, drainage, roofing, mechanical or solid fuel burning systems of the home, or requires a permit before the repair may be ~~made, the repair] performed,~~ may be performed legally only by a person who is qualified by licensure *pursuant to chapter 489 of NRS* to perform such a repair, and:*

(a) A person shall not perform the repair unless the person has such qualifications; and

(b) A tenant or a landlord, or his or her agent or employee, shall not employ a third party to perform the repair if he or she knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

2. The Administrator shall adopt regulations to specify the repairs that a person without an applicable license may make to a manufactured home in accordance with the provisions of this section and chapter 489 of NRS.

3. *A person may perform any repair described in this section without obtaining a license pursuant to chapter 489 of NRS if:*

(a) *The repair does not affect the fuel systems or structural systems of the manufactured home; and*

(b) *The person performing the repair is appropriately licensed pursuant to chapter 624 of NRS.*

4. *A person may perform any repair described in this section without obtaining a license pursuant to chapter 489 or 624 of NRS if:*

(a) *The repair does not affect the fuel systems or structural systems of the manufactured home;*

(b) *The repair does not require a permit before the repair may be performed; and*

(c) *The value of the ~~maintenance] repair~~ is less than \$1,000 and the provisions of chapter 624 of NRS do not require the person to be licensed pursuant to chapter 624 of NRS to perform the repair.*

5. Any complaint concerning any repair performed pursuant to this section by a person licensed pursuant to chapter 624 of NRS:

(a) May be filed with the ~~{State Contractors' Board,}~~ Division; and

(b) ~~If [received by the Administrator or the Division, may be forwarded by the Administrator or]~~ the Division issues a final order finding that an act or omission occurred which is a ground for disciplinary action pursuant to NRS 489.416, the Division ~~[as applicable,]~~ shall forward the final order and any related findings and conclusions to the State Contractors' Board ~~[,]~~ for consideration of further disciplinary action pursuant to chapter 624 of NRS.

Sec. 3. NRS 624.215 is hereby amended to read as follows:

624.215 1. For the purpose of classification, the contracting business includes the following branches:

- (a) General engineering contracting.
- (b) General building contracting.
- (c) Specialty contracting.

↪ General engineering contracting and general building contracting are mutually exclusive branches.

2. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works, including irrigation, drainage, water supply, water power, flood control, harbors, railroads, highways, tunnels, airports and airways, sewers and sewage disposal systems, bridges, inland waterways, pipelines for transmission of petroleum and other liquid or gaseous substances, refineries, chemical plants and industrial plants requiring a specialized engineering knowledge and skill, power plants, piers and foundations and structures or work incidental thereto.

3. A general building contractor is a contractor whose principal contracting business is in connection with the construction or remodeling of buildings or structures for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in their construction the use of more than two unrelated building trades or crafts, upon which he or she is a prime contractor and where the construction or remodeling of a building is the primary purpose. Unless he or she holds the appropriate specialty license, a general building contractor may only contract to perform specialty contracting if he or she is a prime contractor on a project. A general building contractor shall not perform specialty contracting in plumbing, electrical, refrigeration and air-conditioning or fire protection without a license for the specialty. A person **who is licensed pursuant to chapter 489 of NRS and** who exclusively constructs or repairs mobile homes, manufactured homes or commercial coaches is not a general building contractor.

4. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

5. This section does not prevent the Board from establishing, broadening, limiting or otherwise effectuating classifications in a manner consistent with established custom, usage and procedure found in the building trades. The

Board is specifically prohibited from establishing classifications in such a manner as to determine or limit craft jurisdictions.

Sec. 4. NRS 624.284 is hereby amended to read as follows:

624.284 ~~{A}~~ ***Except as otherwise provided in subsection 4 of NRS 118B.090 or subsection 2 of 118B.097, a*** contractor's license issued pursuant to this chapter does not authorize a contractor to construct or repair a mobile home, manufactured home, manufactured building or commercial coach or factory-built housing.

Sec. 5. NRS 624.3015 is hereby amended to read as follows:

624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.
2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.
3. Knowingly bidding to contract or entering into a contract with a contractor for work in excess of his or her limit or beyond the scope of his or her license.
4. Knowingly entering into a contract with a contractor while that contractor is not licensed.
5. Constructing or repairing a mobile home, manufactured home, manufactured building or commercial coach or factory-built housing unless the contractor:
 - (a) Is licensed pursuant to NRS 489.311; ~~{or}~~
 - (b) Owns, leases or rents the mobile home, manufactured home, manufactured building, commercial coach or factory-built housing ~~{}~~; ***or***
 - (c) ***Is authorized to perform the work pursuant to subsection 4 of NRS 118B.090 or subsection 2 of 118B.097.***
6. Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

Sec. 6. This act becomes effective on July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 390.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 815.

AN ACT relating to livestock; ~~authorizing~~ **requiring** the State Quarantine Officer to adopt regulations providing a process for the operator of a farm or other facility that raises poultry to obtain a permit to slaughter and sell the poultry under certain circumstances; ~~authorizing~~ **requiring** the State Quarantine Officer to adopt regulations providing a process for a person to

obtain a license to operate a custom processing establishment or mobile processing unit in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is unlawful for any person to possess, with the intent to sell, the carcass of any fowl which is not processed in an establishment approved by the State Department of Agriculture or in accordance with poultry regulations adopted by the Department. (NRS 583.080) Existing law also prohibits a person from operating an official establishment for the commercial slaughter of meat animals unless the person receives a permit issued by the State Quarantine Officer. (NRS 583.453) **Section 2** of this bill ~~authorizes~~ **requires** the State Quarantine Officer to adopt regulations, **consistent with any federal regulations**, providing a process for the operator of a farm or other facility that raises poultry to obtain a permit to slaughter and sell raw poultry to a consumer at the farm or other facility in this State. **Section 4** of this bill ~~authorizes~~ **requires** the State Quarantine Officer to adopt regulations, **consistent with any federal regulations**, providing a process for a person to obtain a license to operate a custom processing establishment or mobile processing unit in this State. ~~Any~~ **The** regulations adopted pursuant to **section 2 or 4** must set forth the fees, if any, for the issuance or renewal of the license or permit ~~and~~ **and require inspections at least annually**. **Sections 2 and 4** also set forth the circumstances under which a custom processing establishment or mobile processing unit shall be deemed to be an official establishment. **Section 1.3** of this bill defines the term "custom processing establishment" and **section 1.7** of this bill defines the term "mobile processing unit." **Sections 5 and 11-18** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 583 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 4, inclusive, of this act.

Sec. 1.3. *"Custom processing establishment" means a fixed facility that slaughters or processes livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry at the facility. The term does not include an official establishment.*

Sec. 1.7. *"Mobile processing unit" means any truck, trailer, van or other vehicle that is used to slaughter or process livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry at the owner's or person's farm or other facility or at a location approved by the Officer. The term does not include an official establishment.*

Sec. 2. 1. *The State Quarantine Officer ~~may~~ shall adopt regulations providing a process for the owner or operator of a farm or other facility that raises poultry to obtain a permit to slaughter and sell raw poultry to a consumer at the farm or other facility in this State.*

2. ~~Any~~ **The** regulations adopted pursuant to subsection 1 ~~must~~ **:**

(a) Must set forth, without limitation:

~~[(a)] (1) The requirements for the issuance or renewal of the permit;~~

~~[(b)] (2) The fees, if any, for the issuance or renewal of the permit;~~

~~[(c) Any requirements relating to sanitation, including, without limitation, the use of any equipment or protective clothings;]~~

(3) The requirements for operating the farm or other facility, including, without limitation, standard operating procedures, sanitation, equipment, conditions, reporting, recordkeeping, labeling and packaging;

(4) A requirement for an inspection of the farm or other facility to be conducted at least annually and at such other times as deemed necessary by the Department; and

~~[(d)] (5) Any other requirements the State Quarantine Officer determines are necessary to carry out the provisions of this section, including, without limitation, the issuance of a stop sale order for a violation of any provision of this chapter or regulations adopted pursuant to this chapter ~~[-]~~; and~~

(b) Must be consistent with any regulations adopted by the United States Department of Agriculture.

3. ~~[If the State Quarantine Officer adopts any regulations pursuant to subsection 1 and the]~~ When an owner or operator of a farm or other facility is issued a permit pursuant to ~~those~~ the regulations ~~[-]~~ adopted pursuant to subsection 1, the farm or other facility for which the permit is issued shall be deemed to be an official establishment for the purposes of NRS 583.255 to 583.555, inclusive, and sections 1.3, 1.7 and 4 of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. The Officer ~~may~~ shall adopt regulations providing a process for a person to obtain a license to operate a custom processing establishment or mobile processing unit in this State.

2. ~~Any] The regulations adopted pursuant to subsection 1 ~~must~~];~~

(a) Must set forth, without limitation:

~~[(a)] (1) The requirements for the issuance or renewal of the license;~~

~~[(b)] (2) The fees, if any, for the issuance or renewal of the license;~~

~~[(c)] (3) The requirements for operating the custom processing establishment or mobile processing unit, including, without limitation, standard operating procedures, sanitation, equipment, conditions, reporting, recordkeeping, labeling and packaging;~~

(4) A requirement for an inspection of the custom processing establishment or mobile processing unit to be conducted at least annually and at such other times as deemed necessary by the Department; and

~~[(d)] (5) Any other requirements the Officer determines are necessary to carry out the provisions of this section, including, without limitation, the issuance of a stop sale order for a violation of any provision of this chapter or regulations adopted pursuant to this chapter ~~[-]~~; and~~

(b) Must be consistent with any regulations adopted by the United States Department of Agriculture.

3. ~~If the State Quarantine Officer adopts any regulations pursuant to subsection 1 and~~ **When a person is issued a license to operate a custom processing facility or mobile processing unit pursuant to ~~those~~ the regulations ~~that~~ adopted pursuant to subsection 1, the custom processing facility or mobile processing unit for which the license is issued shall be deemed to be an official establishment for the purposes of this section and NRS 583.255 to 583.555, inclusive, and sections 1.3 and 1.7 of this act.**

Sec. 5. NRS 583.080 is hereby amended to read as follows:

583.080 1. It shall be unlawful for any person, firm or corporation to possess, with intent to sell:

- (a) The carcass or part of any carcass of any fowl which has died from any cause other than being slaughtered in a sanitary manner;
- (b) The carcass or part of any carcass of any fowl that shows evidence of any disease, or that came from a sick or diseased fowl; or
- (c) The carcass or part of any carcass of any fowl not processed in an establishment approved by the Department or in accordance with poultry regulations adopted by the Department ~~that~~ **or a permit issued pursuant to section 2 of this act.**

2. Any person, firm or corporation violating any of the provisions of this section is subject to a civil penalty pursuant to NRS 583.700.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 583.255 is hereby amended to read as follows:

583.255 As used in NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 583.265 to 583.429, inclusive, **and sections 1.3 and 1.7 of this act** have the meanings ascribed to them in those sections.

Sec. 12. NRS 583.439 is hereby amended to read as follows:

583.439 A person shall not, with respect to any poultry, cattle, sheep, swine, goats, horses, mules or other equines, rabbits, game mammals or birds, or any carcasses, parts of carcasses, meat or meat food products of any such animals:

1. Slaughter an animal or prepare an article which can be used as human food at any establishment preparing animals, carcasses or products for intrastate commerce, except in compliance with the provisions of NRS 583.255 to 583.555, inclusive ~~that~~, **and sections 1.3, 1.7 and 4 of this act.**

2. Sell, transport, offer for sale or transportation or receive for transportation in intrastate commerce any such articles which:

- (a) Are capable of use as human food;
- (b) Are adulterated or misbranded at the time of the sale, transportation, offer for sale or transportation, or receipt for transportation; or
- (c) Are required to be inspected pursuant to the provisions of this Title,

↪ unless they have been so inspected and passed.

3. Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after transportation which is intended to cause or has the effect of causing any article to be adulterated or misbranded.

Sec. 13. NRS 583.469 is hereby amended to read as follows:

583.469 1. No article subject to the provisions of NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act** shall be sold or offered for sale by any person, firm or corporation, in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other markings and labeling and containers which are not false or misleading and which are approved by the Officer are permitted.

2. If the Officer has reason to believe any person, firm or corporation is violating subsection 1, the Officer may direct that such practice be stopped.

3. If such person, firm or corporation using or proposing to use such marking, labeling or container objects to the direction of the Officer, the person, firm or corporation may request a hearing, but the use of such marking, labeling or container shall, if the Officer so directs, be withheld pending the hearing and final determination by the Officer.

4. Any final determination by the Officer shall be conclusive unless, within 30 days after receipt of notice of such determination, the person, firm or corporation adversely affected thereby appeals to the district court for the county in which such person, firm or corporation has its principal place of business.

Sec. 14. NRS 583.475 is hereby amended to read as follows:

583.475 It is unlawful for any person:

1. To process, sell or offer for sale, transport or deliver or receive for transportation, in intrastate commerce, any livestock or poultry carcass or part thereof unless such article has been inspected and unless the article and its shipping container and immediate container, if any, are marked in accordance with the requirements of NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act** or the Wholesome Meat Act or the Wholesome Poultry Products Act.

2. To sell or otherwise dispose of, for human food, any livestock or poultry carcass or part thereof which has been inspected and declared to be adulterated in accordance with NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act** or which is misbranded.

3. Falsely to make or issue, alter, forge, simulate or counterfeit or use without proper authority any official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, used in connection with inspection in accordance with NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**, or cause, procure, aid, assist in, or be a party to such false making, issuing, altering, forging, simulating, counterfeiting or unauthorized use, or knowingly to possess,

without promptly notifying the Officer or the Officer's representative, utter, publish or use as true, or cause to be uttered, published or used as true, any such falsely made or issued, altered, forged, simulated or counterfeited official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, or to represent that any article has been officially inspected in accordance with NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act** when such article has in fact not been so inspected, or knowingly to make any false representations in any certificate prescribed by the Officer or any form resembling any such certificate.

4. To misbrand or do an act intending to misbrand any livestock or poultry carcass or part thereof, in intrastate commerce.

5. To use any container bearing an official inspection mark unless the article contained therein is in the original form in which it was inspected and covered by such mark unless the mark is removed, obliterated or otherwise destroyed.

6. To refuse at any reasonable time to permit access:

(a) By the Officer or his or her agents to the premises of an establishment in this state where carcasses of livestock or poultry, or parts thereof, are processed for intrastate commerce.

(b) By the Secretary of Agriculture or the Secretary's representative to the premises of any establishment specified in paragraph (a), for inspection and the taking of reasonable samples.

7. To refuse to permit access to and the copying of any record as authorized by NRS 583.485.

8. To use for personal advantage, or reveal, other than to the authorized representatives of any state agency in their official capacity, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act** concerning any matter which as a trade secret is entitled to protection.

9. To deliver, receive, transport, sell or offer for sale or transportation in intrastate commerce, for human consumption, any uneviscerated slaughtered poultry, or any livestock or poultry carcass or part thereof which has been processed in violation of any requirements under NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**, except as may be authorized by and pursuant to rules and regulations prescribed by the Officer.

10. To apply to any livestock or poultry carcass or part thereof, or any container thereof, any official inspection mark or label required by NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**, except by, or under the supervision of, an inspector.

Sec. 15. NRS 583.495 is hereby amended to read as follows:

583.495 1. A person who violates any of the provisions of NRS 583.475 and 583.485:

(a) For a first violation, is subject to a civil penalty pursuant to NRS 583.700.

(b) For a second violation, is guilty of a gross misdemeanor and subject to a civil penalty pursuant to NRS 583.700.

(c) For a third or subsequent violation, is guilty of a category D felony and shall be punished as provided in NRS 193.130 and subject to a civil penalty pursuant to NRS 583.700.

2. When construing or enforcing the provisions of NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**, the act, omission or failure of a person acting for or employed by an individual, partnership, corporation, association or other business unit, within the scope of the person's employment or office, shall in every case be deemed the act, omission or failure of the individual, partnership, corporation, association or other business unit, as well as of the person.

3. A carrier is not subject to the penalties imposed by this section by reason of the carrier's receipt, carriage, holding or delivery, in the usual course of business as a carrier, of livestock or poultry carcasses or parts thereof owned by another person, unless the carrier:

(a) Has knowledge, or is in possession of facts which would cause a reasonable person to believe, that the articles do not comply with the provisions of NRS 583.255 to 583.555, inclusive ~~†~~, **and sections 1.3, 1.7 and 4 of this act**.

(b) Refuses to furnish, on request of a representative of the Officer, the name and address of the person from whom the carrier received the livestock or poultry carcasses, or parts thereof, and copies of all documents pertaining to the delivery of such carcasses, or parts thereof, to the carrier.

4. A person, firm or corporation is not subject to the penalties imposed by this section for receiving for transportation any shipment in violation of NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act** if the receipt was made in good faith, unless the person, firm or corporation refuses to furnish on request of a representative of the Officer:

(a) The name and address of the person from whom such shipment was received; and

(b) Copies of all documents pertaining to the delivery of the shipment to the person, firm or corporation.

Sec. 16. NRS 583.529 is hereby amended to read as follows:

583.529 1. Whenever any carcass, part of a carcass, meat or meat food product of poultry, cattle, sheep, swine, goats, horses, mules or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled or diseased poultry, cattle, sheep, swine, goat or equine is found by any authorized representative of the Officer upon any premises where it is held for purposes of, or during or after distribution in, intrastate commerce or otherwise subject to NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act** and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**, it may be detained

by such representative for a period not to exceed 20 days, pending further investigation, and shall not be moved by any person, firm or corporation from the place at which it is located when so detained, until released by such representative.

2. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Officer that the article or animal is eligible to retain such marks.

Sec. 17. NRS 583.549 is hereby amended to read as follows:

583.549 The district courts of this state are vested with jurisdiction specifically to enforce and to prevent and restrain violations of NRS 583.255 to 583.555, inclusive ~~†~~, **and sections 1.3, 1.7 and 4 of this act.**

Sec. 18. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Bill 207 requires a contractor or subcontractor on a public work to use, with certain exceptions, one or more apprentices for a certain percentage of the total hours of work for each apprenticed craft or type of work to be performed on the public work. The Labor Commissioner is authorized to grant a modification or waiver from the requirements if the Labor Commissioner finds good cause to do so. Finally, the bill requires a contractor or subcontractor to enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work.

Roll call on Senate Bill No. 207:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 80, as amended, creates the Department of Sentencing Policy and provides for the appointment and duties of an Executive Director of the Department. The bill creates the Sentencing Commission within the newly established Department, transfers the staffing of the Nevada Sentencing Commission to the Department, and designates the Executive Director as the Executive Secretary of the Nevada Sentencing Commission. The measure goes on to make other conforming changes. Sections 9 and 12 become effective upon passage and approval for the purposes of making appointments to the Nevada Sentencing Commission. Sections 1 through 8 inclusive, 10, 11, and 11.5 become effective upon passage and approval for the purpose of recruiting and selecting the Executive Director and employees of the Department of Sentencing Policy and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act.

Roll call on Assembly Bill No. 80:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 234, as amended, requires the Child Care and Development Program state plan to include, to the extent that money is available, measures to increase the availability of child care for children with disabilities and to reimburse a portion of the cost of child care provided to the child of a parent who is enrolled in an educational or vocational program

Assembly Bill 234, as amended, becomes effective upon passage and approval for the purpose of adopting regulations.

Roll call on Assembly Bill No. 234:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 444 creates the interim Legislative Committee on Tax Expenditures and Incentives for Economic Development. In addition to identifying and evaluating all incentives for economic development in this state, the committee may review and comment upon other issues relating to tax expenditures. It shall also determine whether businesses receiving abatements are meeting the wage and health care requirements for employees, as specified by law.

Roll call on Assembly Bill No. 444:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 444 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 494 authorizes the Board of Trustees of the Fund for Hospital Care to Indigent Persons to enter into an agreement with the Division of Health Care Financing and Policy to allow for a state net benefit associated with the Medicaid Indigent Accident Fund Upper Payment Limit Supplemental Payment program, thereby reducing the need for General Fund appropriations in the Medicaid budget.

Roll call on Assembly Bill No. 494:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 494 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 503, as amended, makes a \$5.6 million one-shot appropriation to the Department of Administration, Division of Fleet Services, for the purchase of new vehicles over the 2019-2021 biennium.

Roll call on Assembly Bill No. 503:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 503 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 504, as amended, makes General Fund appropriations totaling \$399,084 over the biennium to the State Department of Agriculture for the following: \$125,000 for water conservation projects; \$100,000 for replacement vehicles for the Department's Agriculture Enforcement Officers; \$159,605 for new laboratory equipment for the Veterinary Medical Services budget; and \$14,479 for replacement laboratory equipment for the Veterinary Medical Services budget.

Roll call on Assembly Bill No. 504:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 505, as amended, provides a one-shot General Fund appropriation totaling \$3.8 million to the Department of Conservation and Natural Resources, Division of State Parks, to fund self-pay kiosks, replacement vehicles, paving and construction projects at the Ice Age Fossils State Park, and maintenance equipment for the Sand Harbor Lake Tahoe Nevada State Park.

Roll call on Assembly Bill No. 505:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 511, as amended, provides General Fund appropriations of \$543,236 and Highway Fund appropriations of \$90,690 for replacement vehicles and General Fund appropriations of \$48,747 and Highway Fund appropriations of \$4,189 for computer hardware and software.

Roll call on Assembly Bill No. 511:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 512, as amended, makes appropriations totaling \$8,109,502 to the Governor's Office of Finance for ~~as~~loans to EITS [Division of Enterprise Information Technology Services] for the implementation of an enterprise cloud business productivity system, the replacement of firewalls, and the replacement of the web-content management platform.

Roll call on Assembly Bill No. 512:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 513.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 513, as amended, makes a \$27,387 General Fund appropriation and a \$47,056 Highway Fund appropriation to replace computer hardware and software for the Department of Public Safety, Training Division.

Roll call on Assembly Bill No. 513:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 515, as amended, makes a \$230,000 General Fund appropriation to the Legislative Fund for reimbursement of costs related to a consultant retained by the Nevada Right to Counsel Commission and interim travel expenses incurred by the Commission.

The measure, as amended, also appropriates \$1,827,353 in General Funds to the Legislative Fund for computer hardware, building maintenance, and dues to national organizations.

Roll call on Assembly Bill No. 515:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 515 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 522, as amended, appropriates General Funds of \$1,438,500 to upgrade the Nevada Executive Budget System and \$53,052 to replace various office furniture for the Budget Division of the Office of Finance in the Office of the Governor.

Roll call on Assembly Bill No. 522:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 522 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 523, as amended, appropriates Highway Funds totaling \$1,183,573 in FY 2019 to the Department of Motor Vehicles, Division of Information Technology, to fund the following one-time expenditures: the replacement of uninterruptible power supply equipment for \$150,000; The replacement of two storage area network units for \$660,680; a phone system upgrade for \$279,393; and CrowdStrike software, which would allow the Department to proactively identify suspicious activity within its IT environments.

Roll call on Assembly Bill No. 523:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 523 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 539.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Assembly Bill 539 authorizes a board of county commissioners to create the office of county counsel to perform many of the noncriminal duties otherwise assigned to the district attorney's office.

Roll call on Assembly Bill No. 539:

YEAS—32.

NAYS—Ellison, Hansen, Kramer, Krasner, Titus, Tolles, Wheeler—7.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 539 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 8.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 8 authorizes the State Board of Parole Commissioners to establish conditions for sex offenders under a program of lifetime supervision that are similar to those placed on sex offenders released on parole, probation, or a suspended sentence. The bill also sets forth provisions determining how the prosecution of a violation of a condition is to be conducted, depending on whether the offender lives within or outside of Nevada.

Roll call on Senate Bill No. 8:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 14.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 14 provides that any gubernatorial appointee to any board, commission, or similar body is a civil officer of this state and authorizes the Governor to remove such an appointee for malfeasance or nonfeasance in the performance of his or her duties unless a specific statute requires other removal procedures.

The measure further declares that an appeals officer is a civil officer of this state and authorizes the Governor to remove an appeals officer prior to the expiration of his or her term for malfeasance or nonfeasance in the performance of his or her duties or if his or her license to practice law is revoked or suspended.

Roll call on Senate Bill No. 14:

YEAS—37.

NAYS—Ellison, Flores—2.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Senate Bill 29 authorizes the Nevada Athletic Commission to adopt, revise, or repeal rules governing contests and exhibitions of “unarmed combat” as the term is defined in the measure. It modifies professional events where no admission fee is collected. It also allows the Commission to issue a temporary license under certain circumstances. The Commission may exercise discretion regarding whether to require that fingerprints be submitted by ring officials, Commission employees, and applicants whom the Commission wishes to investigate. The measure also revises provisions concerning confidentiality, fees and credits associated with drug testing, weigh-ins, and license suspensions and revises the definition of “seats in the house.” Finally, the bill clarifies that Commission representatives may undertake certain duties.

Roll call on Senate Bill No. 29:

YEAS—38.

NAYS—Daly.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 29 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 71 provides that the registration of certain motor vehicles registered through the Motor Carrier Division, Department of Motor Vehicles, expires on a date established by the Department through regulation. The bill also authorizes a registered owner who is required to register through the Motor Carrier Division to provide evidence of registration in an electronic format that can be displayed on an electronic device and must be carried in the vehicle or accessible to law enforcement or other emergency personnel by other means.

Roll call on Senate Bill No. 71:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 94 authorizes funds in the existing Account for Family Planning to also be used to pay for family planning services offered by providers of health care or for other services offered by a department or division of the Executive Department of state government through a contract with the recipient of the grant money. The bill revises the contraceptives and services for which money in the Account may be used to match similar lists in existing law. In addition, it requires family planning services paid for with money from the Account to be made available to all people who would otherwise have difficulty obtaining such services.

I would encourage all of my colleagues to support this bill. It is a great improvement to family planning and includes males. It is helpful in the rural areas, so I would appreciate all of your support.

Roll call on Senate Bill No. 94:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 161 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Senate Bill 175 eliminates the authority of a public body to contract with a design-build team for the design and construction of a public work that has an estimated cost of \$5 million or less.

Roll call on Senate Bill No. 175:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 230 requires the Real Estate Division of the Department of Business and Industry to establish by regulation the conditions and limitations under which a licensee may advertise under a nickname. The bill revises the provision requiring the display of the licenses of all real estate professionals who are associated with a real estate broker or employed by an owner-

developer and instead requires the licenses to be kept in a secure manner and be made available upon request by the public and the Division during usual business hours. Finally, the bill establishes pre- and postlicensing education requirements and exemptions from such requirements.

Roll call on Senate Bill No. 230:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 242.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Section 1 of this bill provides that a peace officer suspended by a law enforcement agency without pay pending the outcome of a criminal prosecution shall receive back pay if the case is dismissed or the peace officer is found not guilty and the officer is not subjected to punitive action by the law enforcement agency in connection with the misconduct allegation in question. Section 2 of the bill requires the questioning of a peace officer by superior officers to stop when the peace officer reasonably believes the questioning could result in punitive action.

Roll call on Senate Bill No. 242:

YEAS—36.

NAYS—Daly, Ellison, Titus—3.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 345.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 345 authorizes an estate distillery to receive from a licensed brew pub, a wholesale dealer of liquor, or certain wineries bulk transfers of malt and wine beverages for distillation and blending. A licensed brew pub or winery may only make such a transfer through a licensed wholesale dealer of liquor with certain exceptions. The bill provides that such transfers are only taxable when the wine or malt beverages are distilled or blended, or both; bottled in original packages for sale within this state, and removed from the federally bonded premises of the estate distillery.

Finally, the bill provides that a person may transport and store malt beverages on premises other than the brew pub where the malt beverage was manufactured. The amount of malt beverages sold for all brew pubs owned by a person shall not exceed a total of 5,000 barrels in a calendar year.

Roll call on Senate Bill No. 345:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 355.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 355 revises the scope of practice and licensing of doctors of Oriental medicine and the duties and powers of the State Board of Oriental Medicine. The bill authorizes the Board to issue an endorsement to practice acupuncture point injection therapy to a doctor of Oriental medicine and provides that the practice of Oriental medicine includes dry needling and moxibustion. The bill also requires that a school or college of Oriental medicine be accredited and licensed by certain entities. The bill repeals an existing provision that prohibits the Board from issuing or renewing a license unless an applicant attests to certain information related to safe and appropriate injection practices. Finally, the bill revises certain requirements for licensure, including requiring that an applicant for license hold a current certification in Oriental medicine from the National Certification Commission for Acupuncture and Oriental Medicine.

Roll call on Senate Bill No. 355:

YEAS—34.

NAYS—Ellison, Hafen, Krasner, Titus, Wheeler—5.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 397 authorizes a licensed contractor to perform work for which the contractor does not have a license in the applicable classification or subclassification if the value of the work is less than \$1,000 and does not require a building permit and the work is not the type performed by a plumbing, electrical, refrigeration, or air-conditioning contractor.

Roll call on Senate Bill No. 397:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 410, in its first reprint, requires the Interim Finance Committee to approve the issuance of the transferable tax credits, based on certain criteria established in the bill, before the Office may issue the credits to a qualified project.

Roll call on Senate Bill No. 410:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:01 p.m.

ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 539 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 539 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 450 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly withdraw Senate Bill No. 538 from the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 538 be placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill Nos. 431 and 496 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 250 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 538.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 918.

AN ACT relating to governmental administration; creating the Office for New Americans in the Office of the Governor; establishing the duties of the Office; requiring state agencies and political subdivisions to provide certain assistance to the Office; requiring each regulatory body to create an online resource for immigrants that provides information about obtaining a license or similar authorization to practice certain occupations or professions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill creates the Office for New Americans in the Office of the Governor and requires the Governor to appoint a Director of the Office. **Section 3** authorizes the Director to adopt regulations and to apply for grants and accept gifts, grants and donations on behalf of the Office. **Sections 3 and 4** of this bill require the Director to: (1) advise the Governor and each agency of the Executive Department of the State Government on all matters relating to the formulation and implementation of policies, programs and procedures affecting immigrants in this State; and (2) ensure that the Office performs certain duties. **Section 5** of this bill requires, under certain circumstances, each agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State to provide assistance to the Office.

Section 6 of this bill requires each regulatory body to create an online resource for immigrants that provides information on how to obtain a license to practice each occupation or profession which the regulatory body regulates. Existing law defines the term "license" to mean "any license, certificate, registration, permit or similar type of authorization issued by a regulatory body." (NRS 622.030)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, “state agency” means every public agency, bureau, board, commission, department or division of the Executive Department of the State Government.*

Sec. 3. 1. *The Office for New Americans is hereby created in the Office of the Governor.*

2. *The Governor shall appoint a Director of the Office for New Americans. The Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

3. *The Director shall advise the Governor and each state agency on all matters relating to the formulation and implementation of policies, programs and procedures affecting immigrants in this State.*

4. *The Director may:*

(a) Adopt such regulations as are necessary to carry out the provisions of sections 2 to 5, inclusive, of this act.

(b) Apply for any available grants and accept any gifts, grants or donations for the support of the Office and its activities pursuant to sections 2 to 5, inclusive, of this act.

Sec. 4. *The Director of the Office for New Americans created by section 3 of this act shall ensure that the Office:*

1. *Serves as the coordinating office for each state agency that is responsible for a program that provides services to immigrants in this State, including, without limitation, a program that:*

(a) Relates to professional licensing, registration, permitting or similar types of authorization issued by a regulatory body;

(b) Connects immigrants to entrepreneurial and other business resources and workforce development training and programs; and

(c) Assists immigrants in areas relating to quality of life, including, without limitation, education, housing and health care.

2. *Reviews and analyzes the policies and programs of state agencies relating to immigrants and makes recommendations to the Governor on such policies and programs, including, without limitation, the elimination of duplication in existing state programs.*

3. *Provides information and assistance relating to issues affecting immigrants to state agencies, both directly and by serving as a clearinghouse for information received from state agencies, other departments of the State Government, political subdivisions of this State, any other state or the Federal Government.*

4. *Engages in state and federal advocacy and makes recommendations concerning law and policy affecting immigrants to advance economic and population growth in this State.*

5. *Develops sustainable partnerships with community foundations and other nonprofit and private sector entities that serve immigrant communities in this State.*

6. *Coordinates with:*

(a) *Refugee resettlement agencies in this State to identify gaps in programs provided by those agencies; and*

(b) *State agencies to assist in efforts to resettle, integrate and assimilate refugees in this State.*

Sec. 5. *Each agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State shall provide the Office for New Americans created by section 3 of this act or any representative of the Office such assistance as the functions and operations of the Office may require if that assistance is within the scope of duties of the person or entity.*

Sec. 6. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

Each regulatory body shall create an online resource for immigrants that provides information on how to obtain a license in this State to practice each occupation or profession which the regulatory body regulates.

Sec. 7. ~~This act becomes effective upon passage and approval for the purposes of appointment, employment of staff, adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2020, for all other purposes.~~ **(Deleted by amendment.)**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 959.

AN ACT relating to water; establishing certain requirements relating to the dedication of certain rights to appropriate water; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Engineer to require the dedication of a right to appropriate water in certain circumstances before approving a parcel map. (NRS 534.120) Existing law also authorizes the governing body of a county or city to adopt ordinances to regulate land, which may include an ordinance that requires the dedication of a right to appropriate water before approving the

development, division or subdivision of a parcel of land. (NRS 278.020) **Sections 1 and 3** of this bill provide that before a supplier of water may require the dedication of a right to appropriate water in order to ensure a sufficient supply of water to certain parcels, the dedication requirement must be: (1) required pursuant to an ordinance, rule, regulation or any other requirement adopted by the supplier of water; and (2) based on certain information and considerations. **Sections 1 and 3** prohibit ~~[, with limited exception,]~~ a supplier of water from **: (1) reducing the rate of diversion of a right to appropriate water that has been dedicated in connection with a final map unless approved by the State Engineer; and (2) with limited exception,** selling, leasing, conveying or transferring a right to appropriate water that has been dedicated pursuant to an ordinance, rule, regulation or other requirement adopted by the supplier of water.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Before a supplier of water may require the dedication of a right to appropriate water in order to ensure a sufficient supply of water to provide new or modified water service to one or more parcels, the dedication requirement must:*

- (a) Be required pursuant to an ordinance, rule, regulation or any other requirement adopted by the supplier of water;*
- (b) Be based on reliable data and procedures estimating demand;*
- (c) Consider any requirements for a sustainable water supply; and*
- (d) Consider historic usage by similar existing water services.*

2. If a right to appropriate water has been dedicated pursuant to subsection 1 in connection with the approval of a final map filed pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and section 3 of this act, a supplier of water may not reduce the rate of diversion of the right to appropriate water that has been dedicated unless the State Engineer approves the reduction.

3. Except as otherwise provided in this subsection, a supplier of water may not sell, lease, convey or transfer a right to appropriate water that has been dedicated pursuant to subsection 1. This subsection does not apply to:

- (a) Mergers and acquisitions of a water system owned or operated by a utility;*
- (b) Sales, leases, conveyances or transfers by the supplier of water ~~for~~ for the furtherance of developing, to:*

(1) Develop, improve or ~~maintain~~ maintain the availability and reliability of the water supply; and

(2) Further the sustainable and efficient management of the water supply; or

(c) *Settlements of judicial or administrative proceedings concerning a water system owned or operated by a utility.*

~~3.~~ **4.** *As used in this section:*

(a) *“Final map” has the meaning ascribed to it in NRS 278.0145.*

(b) *“Modified water service” means a change or alteration to:*

- (1) *The quantity of water delivered to one or more parcels;*
- (2) *The capacity to deliver water to one or more parcels; or*
- (3) *Any facility of the supplier of water necessitated by construction on one or more parcels.*

~~(b)~~ (c) *“Supplier of water” includes, without limitation:*

- (1) *Any county, city, town, local improvement district, general improvement district and water conservancy district;*
- (2) *Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature;*
- (3) *A public utility; and*
- (4) *Any other public or private entity,*

↳ that supplies water for municipal, industrial or domestic purposes.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Before a supplier of water may require the dedication of a right to appropriate water in order to ensure a sufficient supply of water to provide new or modified water service to one or more parcels that will be developed, divided or subdivided pursuant to the provisions of this section and NRS 278.010 to 278.630, inclusive, the dedication requirement must:*

- (a) *Be required pursuant to an ordinance, rule, regulation or any other requirement adopted by the supplier of water;*
- (b) *Be based on reliable data and procedures estimating demand;*
- (c) *Consider any requirements for a sustainable water supply; and*
- (d) *Consider historic usage by similar existing water services.*

2. ~~1.~~ *If a right to appropriate water has been dedicated pursuant to subsection 1 in connection with the approval of a final map filed pursuant to the provisions of this section and NRS 278.010 to 278.630, inclusive, a supplier of water may not reduce the rate of diversion of the right to appropriate water that has been dedicated unless the State Engineer approves the reduction.*

3. *Except as otherwise provided in this subsection, a supplier of water may not sell, lease, convey or transfer a right to appropriate water that has been dedicated pursuant to subsection 1. This subsection does not apply to:*

(a) *Mergers and acquisitions of a water system owned or operated by a utility;*

(b) *Sales, leases, conveyances or transfers by the supplier of water for furtherance of developing*

(1) Develop, improve or [maintaining a] maintain the availability and reliability of the water supply; and

(2) Further the sustainable and efficient management of the water supply; or

(c) Settlements of judicial or administrative proceedings concerning a water system owned or operated by a utility.

~~§~~ 4. As used in this section:

(a) “Final map” has the meaning ascribed to it in NRS 278.0145.

(b) “Modified water service” means a change or alteration to:

(1) The quantity of water delivered to one or more parcels;

(2) The capacity to deliver water to one or more parcels; or

(3) Any facility of the supplier of water necessitated by construction on one or more parcels.

~~(b)~~ (c) “Supplier of water” includes, without limitation:

(1) Any county, city, town, local improvement district, general improvement district and water conservancy district;

(2) Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature;

(3) A public utility; and

(4) Any other public or private entity,

↪ that supplies water for municipal, industrial or domestic purposes.

Sec. 4. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. (Deleted by amendment.)

Sec. 6. The provisions of this act must not be applied in such a manner as to affect, impair or discharge any outstanding contracts or obligations of the State, any political subdivision of the State or other public entity that involve a dedicated right to appropriate water existing on the effective date of this act.

Sec. 7. This act becomes effective upon passage and approval.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 450.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 450 revises various provisions relating to the recall of public officials. The measure provides that persons filing a notice of intent to circulate a petition must pay the costs to verify signatures. Contribution limits are established for special recall elections. These contributions do not affect limitations on contributions to candidates for primary or general elections. An individual who signed a recall petition may request the removal of his or her name from the petition. A person who knowingly or negligently misrepresents the intent or content of a petition may be subject to civil or criminal penalties. Certain existing regulations of the Secretary of State

are declared void. The amendatory provisions of this measure do not apply to any petition for recall if the notice of intent to circulate was filed before the effective date of this bill.

Roll call on Senate Bill No. 450:

YEAS—30.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Leavitt, Titus, Wheeler—9.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 450 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 948.

AN ACT relating to fire safety; requiring the owner or operator of a building with certain fire safety equipment to have the equipment inspected by technicians with certain qualifications; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the owner or operator of any building equipped with a fire damper, smoke damper or combination fire and smoke damper to have the unit inspected by a technician with certain qualifications. **Section 3** of this bill requires a technician that performs such an inspection to provide the owner or operator with a certification of inspection and report any malfunctions or defects to the owner or operator, the State Fire Marshal and the governing body of the city or county, as applicable, where the building is located.

Section 4 of this bill requires the owner or operator of any building equipped with a smoke control system to have the unit inspected by a technician with certain qualifications. **Section 5** of this bill requires a technician that performs such an inspection to provide the owner or operator with a certification of inspection and report any malfunctions or defects to the owner or operator, the State Fire Marshal and the governing body of the county or city, as applicable, where the building is located.

Section 6 of this bill authorizes the State Fire Marshal to adopt regulations relating to the maintenance and testing of: (1) fire dampers, smoke dampers and combination fire and smoke dampers; and (2) smoke control systems.

~~[Section 6.5 of this bill authorizes the State Fire Marshal to issue a license to: (1) maintain, install or inspect fire dampers, smoke dampers or combination fire and smoke dampers; and (2) maintain, install or inspect smoke control systems.]~~

Section 6.7 of this bill makes an appropriation to the State Fire Marshal to pay for personnel for facility identification and inspection, equipment testing and related administrative duties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 5, inclusive, of this act.

Sec. 1.5. *As used in sections 1.5 to 5, inclusive, of this act, “governing body” means:*

1. If a building is located within the boundaries of a city, the governing body of the city.

2. If a building is located in the unincorporated area of a county, the board of county commissioners of the county.

Sec. 2. *The owner or operator of any building equipped with a fire damper, smoke damper or combination fire and smoke damper shall:*

1. Cause the unit to be inspected upon installation and thereafter:

(a) In accordance with the standards set forth in the version of the International Fire Code published by the International Code Council that has been most recently adopted by the governing body; and

(b) By a technician that holds ~~fr~~

~~*(1) A] a certification issued through a program that is accredited by the American National Standards Institute under the standards most recently adopted by the governing body. ~~fr~~*~~

~~*(2) A license issued by the State Fire Marshal pursuant to paragraph (d) of subsection 1 of NRS 477.033; and*~~

~~*(3) Except as otherwise provided in this subparagraph, a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems. If a technician does not hold such a license, the technician must have a person who holds a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems present during the inspection.]*~~

2. Maintain and make available for inspection, upon the request of the State Fire Marshal or governing body, the certification of inspection provided by the technician that completed the inspection pursuant to section 3 of this act.

Sec. 3. *Any technician that performs an inspection of a fire damper, smoke damper or combination fire and smoke damper as required pursuant to section 2 of this act shall:*

1. Perform the inspection in such a manner as to ensure, without limitation:

(a) Access to the damper is unobstructed;

(b) The damper is able to close and there is no damper interference due to a rusted, bent, misaligned or damaged frame or blades or defective hinges or parts;

(c) The damper frame will not be penetrated by any foreign objects during operation that would affect functioning;

(d) *The damper is not blocked from closure in any way;*
 (e) *The fusible link, if applicable, is reinstalled after the completion of the inspection; and*

(f) *If the fusible link, if applicable, is damaged or painted, it is replaced with a link of the same size, temperature and load rating.*

2. *Report malfunctions or defects discovered during the inspection, if any, to the owner or operator of the building, the State Fire Marshal and the governing body.*

3. *Provide the owner or operator of the building with a certification of inspection that includes, without limitation:*

(a) *The location of the fire damper, smoke damper or combination fire and smoke damper inspected;*

(b) *The date of the inspection;*

(c) *The results of the inspection; and*

(d) *The name and certification number of the technician. ~~f~~ and*

~~(e) The number of the license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems to the technician or other person described in subparagraph (3) of paragraph (b) of subsection 1 of section 2 of this act, as applicable.~~

Sec. 4. *The owner or operator of any building equipped with a smoke control system shall:*

1. *Cause the smoke control system to be inspected upon installation and thereafter:*

(a) *In accordance with the standards set forth in the version of the International Fire Code published by the International Code Council that has been most recently adopted by the governing body; and*

(b) *By a technician that holds ~~f~~*

~~(1) A] a certification issued through a program that is accredited by the American National Standards Institute under the standards most recently adopted by the governing body. ~~f~~~~

~~(2) A license issued by the State Fire Marshal pursuant to paragraph (e) of subsection 1 of NRS 477.033; and~~

~~(3) Except as otherwise provided in this subparagraph, a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems. If a technician does not hold such a license, the technician must have a person who holds a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems present during the inspection.~~

2. *Maintain and make available for inspection, upon the request of the State Fire Marshal or governing body, the certification of inspection provided by the technician that completed the inspection pursuant to section 5 of this act.*

Sec. 5. Any technician that performs an inspection on a smoke control system as required pursuant to section 4 of this act shall:

1. Report malfunctions or defects discovered during the inspection, if any, to the owner or operator of the building, the State Fire Marshal and the governing body.

2. Provide the owner or operator of the building of the smoke control system with a certification of inspection that includes, without limitation:

(a) The location of the smoke control system inspected;

(b) The date of the inspection;

(c) The results of the inspection; and

(d) The name and certification number of the technician . ~~f~~ and

~~**(e) The number of the license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems to the technician or other person described in subparagraph (3) of paragraph (b) of subsection 1 of section 4 of this act, as applicable.**~~

Sec. 6. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↳ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

(e) The maintenance and testing of:

(1) Fire dampers, smoke dampers and combination fire and smoke dampers; and

(2) Smoke control systems.

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any

investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To

maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Sec. 6.5. ~~NRS 477.033 is hereby amended to read as follows:~~

~~477.033 1. A license, issued by the State Fire Marshal, is required for:~~

~~(a) Maintenance, installation or sale of fire extinguishers, fire alarm systems or fire sprinkler systems;~~

~~(b) Use of explosives in any commercial construction, but not in mining or the control of avalanches;~~

~~(c) Commercial fireworks displays;~~

~~(d) Maintenance, installation or inspection of fire dampers, smoke dampers or combination fire and smoke dampers;~~

~~(e) Maintenance, installation or inspection of smoke control systems.~~

~~2. Applications for licenses must be made on a form prescribed by the State Fire Marshal.~~

~~3. The State Fire Marshal may conduct inspections, examinations or hearings before the issuance of licenses.~~

~~4. The State Fire Marshal may charge a reasonable fee, to be fixed by regulation, for the inspection and issuance of licenses.~~

~~5. If any person is denied a license by the State Fire Marshal, the person is entitled to a hearing, upon request, before a hearing officer.~~

~~(Deleted by amendment.)~~

Sec. 6.7. 1. There is hereby appropriated from the State General Fund to the State Fire Marshal to pay the costs of personnel for facility identification and inspection, equipment testing and related administrative duties the following sums:

For the Fiscal Year 2019-2020..... \$276,098

For the Fiscal Year 2020-2021..... \$210,856

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be

reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 7. This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 417.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Senate Bill 417 authorizes the State Department of Agriculture to issue a limited license to conduct an annual sale of livestock and establishes the conditions and requirements for such a sale to take place.

Roll call on Senate Bill No. 417:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 417 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Senate Bill 424 requires the regulations that the Division of Public and Behavioral Health of the Department of Health and Human Services adopts specifying the circumstances under which a consumer is eligible to receive mental health services from the Division to also prescribe a system to categorize recipients of community-based living arrangement services by the scope of services they need.

Roll call on Senate Bill No. 424:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Bill 428 prohibits a person from parking a vehicle in a parking space designated for charging an electric or hybrid electric vehicle unless the vehicle is being charged at the charging station.

Roll call on Senate Bill No. 428:

YEAS—38.

NAYS—Hafen.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 429 provides that an applicant who holds an official amateur radio station license must only submit a statement once to the Department of Motor Vehicles that he or she will assist in communications during local, state, and federal emergencies in order to obtain a waiver of the \$10 fee for a renewal sticker for an amateur radio station special license plate.

Roll call on Senate Bill No. 429:

YEAS—38.

NAYS—Carlton.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 430.

Bill read third time.

Remarks by Assemblywomen Duran and Titus.

ASSEMBLYWOMAN DURAN:

Senate Bill 430 expands the definition of “chronic or debilitating medical condition” as used for certain purposes relating to the medical use of marijuana. The bill adds to the definition an anxiety disorder, an autism spectrum disorder, an autoimmune disease, dependence upon or addiction to opioids, anorexia or cachexia, chronic pain, a medical condition related to acquired immune deficiency syndrome or the human immunodeficiency virus, and a neuropathic condition, regardless of whether it causes seizures.

ASSEMBLYWOMAN TITUS:

I rise in opposition to S.B. 430. I am extremely concerned about the expansion of the definition of chronic diseases. I think this is just a way of getting out of paying taxes. Although personally I support limited taxes, I just think this bill goes way beyond what medical marijuana should do.

Roll call on Senate Bill No. 430:

YEAS—31.

NAYS—Edwards, Ellison, Hafen, Hansen, Krasner, Titus, Tolles, Wheeler—8.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 436 adds chiropractic to the list of professional services that can be included in a professional entity composed of persons engaged in rendering more than one type of professional service relating to medicine, homeopathy, osteopathy, or psychology. The bill also clarifies that no practitioner in a professional entity described in the bill may render service beyond the scope of his or her licensed authority, i.e., stay in your swim lane, or influence or interfere with the health care decisions of another practitioner within the same group. This bill is effective on October 1, 2019.

Roll call on Senate Bill No. 436:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Senate Bill 441 establishes separate provisions for a charter school to operate exclusively as a charter school for distance education and authorizes the State Public Charter School Authority to approve such schools.

Roll call on Senate Bill No. 441:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 442 increases the maximum period, from five to ten years, for which permits for hazardous waste facilities may be issued by the State Department of Conservation and Natural Resources.

Roll call on Senate Bill No. 442:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 451 changes the renewal term for charter school contracts from six years to not less than three years but not more than ten years. The bill is effective July 1, 2019.

Roll call on Senate Bill No. 451:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 452 extends, from 14 days to 28 days prior to distribution, the date by which a person must notify the county and city election officer of the approximate number of absent ballot requests that will be distributed to more than 500 registered voters. The measure changes, from 21 days to 35 days prior to the election, the last day such absent ballot requests may be mailed.

Roll call on Senate Bill No. 452:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Senate Bill 456 authorizes a hospital to grant admission to membership on its medical staff to advanced practice registered nurses [APRN] to perform any authorized act within their scope of

practice. The bill prohibits hospitals from automatically admitting or denying an APRN membership on the medical staff solely because he or she is an APRN. This measure is effective on October 1, 2019.

Roll call on Senate Bill No. 456:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Senate Bill 457 revises the definition of “sentinel event” to include any death at a medical facility, facility for the dependent, or home operated by a provider of community-based living arrangement services. The bill also broadens the applicability of existing law regarding reporting and investigating sentinel events to apply to these facilities and homes.

Roll call on Senate Bill No. 457:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 460 makes reforms to the Office of Public Administrator. This bill could allow counties of less than 100,000 to abolish the Office of Public Administrator by public ordinance and make it an appointed position. If the Office is abolished under this legislation, a county has the option to reverse this decision through public ordinance and revert it back to an elected position. This bill is effective on July 1, 2019.

Roll call on Senate Bill No. 460:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Senate Bill 462 makes various changes to provisions governing constables.

Roll call on Senate Bill No. 462:

YEAS—34.

NAYS—Edwards, Ellison, Hansen, Krasner, Titus—5.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 462 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 461 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 461.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Bill 461 authorizes the Tahoe-Douglas Visitor's Authority to acquire, improve, and operate a multiuse event and convention center in the Tahoe Township of Douglas County and confers related powers. The Authority may issue municipal securities for the acquisition of such facilities. The bill also establishes a \$5 tourism surcharge on the per-night charge for the rental of lodgings in the Township.

Roll call on Senate Bill No. 461:

YEAS—33.

NAYS—Ellison, Hafen, Kramer, Krasner, Titus, Wheeler—6.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 461 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Senate Bill 463 increases from \$1 to \$4 the fee that the State Registrar must charge and collect for a certified copy of a death certificate. The bill expands the authorized use of such fees to include any program established by the coroner to promote the mental health of the employees of the office of the coroner and any person impacted as a result of providing services in his or her

professional capacity in response to an incident involving mass casualties within the county or to provide bereavement services to members of the public within the county.

Roll call on Senate Bill No. 463:

YEAS—34.

NAYS—Benitez-Thompson, Ellison, Kramer, Titus, Wheeler—5.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 463 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 465.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 465 authorizes a redevelopment agency to adopt a resolution requiring that property taxes attributable to certain tax rates levied for the public schools in the county be allocated to the county school district, such that the redevelopment agency would not receive any portion of the property taxes attributable to such tax rates.

Roll call on Senate Bill No. 465:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Senate Bill 469 revises provisions affecting school districts that have more than 100,000 pupils enrolled in its public schools, currently the Clark County School District, by removing the requirement that each school associate superintendent oversee no more than 25 local school precincts and adding utilities to the list of responsibilities that a large school district cannot transfer to a local school precinct. The bill also specifies funding allocations will be based on the district's estimates for attendance for the following year, rather than being determined by the number of students attending in the previous calendar quarter. The bill is effective July 1, 2019.

Roll call on Senate Bill No. 469:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Senate Bill 470 requires the State Board of Health to establish regulations requiring a medical facility, facility for the dependent, or facility that is otherwise required by regulations adopted by the Board to be licensed to conduct training related to cultural competency for any agent or employee that provides direct care to a patient or resident. The Department of Health and Human Services must approve the medical facility's cultural competency course or program.

Roll call on Senate Bill No. 470:

YEAS—33.

NAYS—Edwards, Hafen, Hansen, Kramer, Titus, Wheeler—6.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Senate Bill 473 revises certain definitions relating to affordable housing to establish three tiers of affordable housing. Housing at all three tiers is required to cost a household with an income at the maximum amount for the tier not more than 30 percent of the total monthly gross household income of the household.

Roll call on Senate Bill No. 473:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 475.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Beginning with school year 2019-2020, the bill decreases from 40 to 15 the percentage of a teacher's or administrator's evaluation that is accounted for by pupil growth. In addition, S.B. 475 requires an administrator who conducts an evaluation to consider the pupil-teacher ratios recommended by the State Board and the impact of class sizes that exceed those recommendations.

Roll call on Senate Bill No. 475:

YEAS—35.

NAYS—Ellison, Krasner, Titus, Wheeler—4.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:46 p.m.

ASSEMBLY IN SESSION

At 5:50 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 181 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 181.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 952.

AN ACT relating to special license plates; requiring the Department of Motor Vehicles to design, prepare and issue special license plates for certain motor vehicles that are electric powered; providing a fee for the initial issuance and renewal of such plates; ~~requiring the Department of Motor Vehicles to reinstitute the issuance of special license plates commemorating the 150th anniversary of Nevada's admission into the Union;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Motor Vehicles to design, prepare and issue special license plates for any passenger car or light commercial vehicle that is wholly powered by an electric motor. **Section 1** also provides that: (1) the fee for the initial issuance of such a special license plate is \$125, in addition to applicable governmental services taxes; and (2) the renewal fee for such a special license plate is \$80. Finally, **section 1** requires that after the Department deducts from the fee the amount of all applicable

registration, license and license plate fees, the remaining amount of money must be deposited in the State Highway Fund. **Sections 2, 4, 5, 7 and 8** of this bill make conforming changes.

~~[In 2013, the Legislature authorized a license plate commemorating the 150th anniversary of Nevada's admission into the Union. The additional fees paid upon renewal of the plate are divided equally between the Division of Museums and History of the Department of Tourism and Cultural Affairs and the Division of State Parks of the State Department of Conservation and Natural Resources. (NRS 482.37901) Under existing law, a holder of such a license plate may renew the plate, but the Director of the Department of Motor Vehicles may not issue a new commemorative license plate after October 31, 2016. Section 6 of this bill requires the Department to once again issue the commemorative license plate. Section 3 of this bill makes a conforming change.]~~

Section 9 of this bill provides that these ~~[changes]~~ **provisions** become effective on January 1, 2020.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) Design, prepare and issue special license plates for passenger cars and light commercial vehicles that are wholly powered by an electric motor, using any colors and designs that the Department deems appropriate; and

(b) Issue the plates only to residents of Nevada for a passenger car or light commercial vehicle which is wholly powered by an electric motor.

2. The Department may issue special license plates pursuant to subsection 1 upon application by any person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) Submits proof satisfactory to the Department that the vehicle for which the special license plates are intended meets the requirements of subsection 1; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

3. The fee for the special license plates is \$125, in addition to applicable governmental services taxes. The special license plates are renewable upon the payment of \$80.

4. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates issued pursuant to this section if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates pursuant to subsection 3.

5. The Department, after deducting the costs of all applicable registration, license and license plate fees, shall deposit the fees collected

pursuant to subsection 3 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection in the State Highway Fund.

6. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedures set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~††~~, **and section 1 of this act**; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. ~~NRS 482.265 is hereby amended to read as follows:~~

~~482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. Except as otherwise provided in NRS 482.2155, upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.~~

~~2. Except as otherwise provided in NRS 482.2065, 482.266, 482.2705, 482.274 [,] and 482.379, [and 482.37091,] every 8 years the Department shall reissue a license plate or plates at the time of renewal of each license plate or plates issued pursuant to this chapter. The Director may adopt regulations to provide procedures for such reissuance.~~

~~3. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.~~

~~4. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:~~

~~(a) The fee to be received by the Department for the initial issuance of the special license plate is \$35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;~~

~~(b) The fee to be received by the Department for the renewal of the special license plate is \$10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and~~

~~(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.~~

~~5. The provisions of subsection 4 do not apply to NRS 482.37901.]~~

(Deleted by amendment.)

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation

which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act**. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. Any license plates issued for a trailer before January 1, 1982, are not subject to reissue pursuant to subsection 2 of NRS 482.265.

6. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act**.

Sec. 6. ~~NRS 482.37901 is hereby amended to read as follows:~~

~~482.37901 1. [Except as otherwise provided in subsection 6, a person who, on or before October 31, 2016, was issued by the] *The Department shall issue license plates which commemorate the 150th anniversary of Nevada's admission into the Union for a passenger car or light commercial vehicle, to any person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. [may renew the commemorative license plates upon payment of all applicable registration and license fees and governmental services taxes, payment of the fee for the renewal of the commemorative license plates pursuant to subsection 2 and, if applicable, for a:] A person may request that:*~~

~~(a) Special legislative license [plate] *plates issued to a legislator pursuant to NRS 482.374 [.] be combined with the commemorative license plates if that person:*~~

~~(1) *Qualifies for special legislative license plates issued pursuant to NRS 482.374; and*~~

~~(2) *Pays the fees for the special legislative license plates [.] in addition to the fees for the commemorative license plates pursuant to subsections 2 and 3; or*~~

~~(b) Personalized prestige license [plate] *plates issued pursuant to NRS 482.3667 [.] be combined with the commemorative license plates if that person pays the fees for the personalized prestige license plates [.] in addition to the fees for the commemorative license plates pursuant to subsections 2 and 3.*~~

~~2. [In addition to all other applicable fees prescribed in subsection 1, a person who wishes to renew a set of] *The fee for the commemorative license plates [must pay a fee of \$20, to be distributed pursuant to subsection 3.*~~

~~3.] *is \$7.50, in addition to all other applicable registration and license fees and governmental services taxes. The Department shall deposit the fee collected pursuant to this subsection with the State Treasurer for credit to the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.*~~

~~3. *In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 2, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates a fee of \$20, to be distributed pursuant to subsection 4.*~~

~~4. The Department shall deposit the fees collected pursuant to subsection [2] 3 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute one half of the fees to the Division of Museums and History of the Department of Tourism and Cultural Affairs and one half of the fees to the Division of State Parks of the State Department of Conservation and Natural Resources. The money must be used for:~~

~~— (a) Educational projects and initiatives relating to the history of the State of Nevada, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings and structures; and~~

~~— (b) Other projects relating to preserving, promoting and protecting the heritage of the State of Nevada, including, without limitation, projects relating to:~~

~~— (1) The establishment of a new state park, state monument or recreational area pursuant to NRS 407.065; or~~

~~— (2) Enhancements or modifications to a state park, state monument or recreational area designated pursuant to NRS 407.120.~~

~~[4.] 5. On or before January 1 of each calendar year, the Division of Museums and History of the Department of Tourism and Cultural Affairs and the Division of State Parks of the State Department of Conservation and Natural Resources shall produce a report of:~~

~~— (a) Revenues received from the renewal of the commemorative license plates issued pursuant to the provisions of this section; and~~

~~— (b) Associated expenditures;~~

~~→ and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature or the Legislative Commission, as appropriate.~~

~~[5.] 6. If, during a registration year, the holder of the commemorative license plates issued by the Department disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~— (a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or~~

~~— (b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.~~

~~[6.] The Director shall not issue:~~

~~— (a) The commemorative license plates after October 31, 2016.~~

~~— (b) Replacement number plates or duplicate number plates for those commemorative license plates after October 31, 2021.~~

~~7. License plates issued pursuant to this section are not subject to reissue pursuant to subsection 2 of NRS 482.265.] **(Deleted by amendment.)**~~

Sec. 7. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act*, or 482.384, on the vehicle from which the registration is being transferred, if the license

plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license

plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

Sec. 8. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, **and section 1 of this act**, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 9. This act becomes effective on January 1, 2020.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 534.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 911.

AN ACT relating to emergency response; transferring the administration of the process governing the application and determination of eligibility for compensation from the Fund for the Compensation of Victims of Crime from the Department of Administration **and the State Board of Examiners** to the Department of Health and Human Services; requiring the Director of the Department of Health and Human Services to adopt a State Plan for Services for Victims of Crime; revising procedures governing claims for such compensation; imposing requirements relating to the development of state and local emergency management plans; authorizing the Governor to suspend certain licensure requirements in response to an emergency or disaster; requiring certain professional licensing boards to maintain lists of licensees trained in the treatment of mental and emotional trauma and provide those lists to a governmental entity responding to an emergency or disaster; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and

makes the Department of Administration **and the State Board of Examiners** responsible for administering the process governing the application and determination of eligibility for compensation. (NRS 217.010-217.270) ~~Section~~ **Sections 2, 7-13 and 25** of this bill ~~transfers~~ **transfer** the administration of that process to the Department of Health and Human Services. **Section 1** of this bill requires the Department of Health and Human Services to develop a State Plan for Services for Victims of Crime to ensure that agencies which provide compensation to and services for victims of crime coordinate their efforts and use the same data. The Department is also required to develop a survey to determine the effectiveness of the various methods of compensating victims of crime.

Section 4 of this bill requires an application for compensation from the Fund to be filed not later than 24 months after the injury or death for which compensation is claimed.

Existing law requires a compensation officer to review an application for compensation from the Fund and, if the compensation officer denies the claim, authorizes the applicant to follow an appeals process that includes appealing the decision of an appeals officer to the State Board of Examiners, whose decision on the matter is final. (NRS ~~217.010,~~ **217.110,** 217.117) **Section 6** of this bill requires the ~~Director of the~~ Department of Health and Human Services to prescribe in the State Plan rules and regulations: (1) establishing the eligibility requirements for receiving compensation from the Fund; and (2) providing for administrative hearings to address appeals of the decisions of appeals officers. **Section 5** of this bill accordingly removes the provisions relating to the appeal of a decision of an appeals officer to the State Board of Examiners and authorizes an applicant to appeal such a decision in accordance with the regulations adopted by the Director. **Section ~~13~~ 14** of this bill exempts the State Plan from standard requirements governing the adoption of regulations, and **section 6** prescribes alternative requirements governing the adoption and amendment of the State Plan.

Existing law requires a compensation officer to consider the provocation, consent or any other behavior of the victim and certain other factors when determining whether to order compensation, except in cases of domestic violence, sexual assault or sex trafficking. (NRS 217.180) **Section ~~7~~ 9** of this bill removes those considerations and instead requires the compensation officer to award compensation unless the injury or death of the victim was substantially attributable to a wrongful act of the victim or substantially provoked by the victim. In addition, if the case involves a victim of domestic violence, sexual assault or sex trafficking, the compensation officer is prohibited from considering any behavior of the victim ~~that~~ **that directly or indirectly contributed to the injury or death of the victim.** **Section 3** of this bill also authorizes compensation for injuries that are not physical and are caused by a criminal act.

Existing law provides for the development of emergency management plans by state and local governmental agencies. (NRS 414.040) Existing law also

authorizes the development of a state emergency management plan. (414.060) **Section ~~101~~ 16** of this bill requires those emergency management plans to: (1) be developed and executed in collaboration with persons and organizations who advocate for the needs of victims of emergencies and disasters; and (2) include certain provisions to ensure that a response for a disaster or emergency properly addresses the needs of victims.

Existing law authorizes certain persons who are licensed in another jurisdiction to provide services in this State in an emergency. (Chapters 415 and 415A of NRS) **Section ~~111~~ 17** of this bill authorizes the Governor to allow providers of emergency medical services and providers of mental health services who hold a credential in another jurisdiction to practice their profession within their scope of practice as if they were licensed, certified or registered, as applicable, in this State for the time period necessary to assist in responding to an emergency or disaster. **Sections ~~112-171~~ 18-23** of this bill require an applicant for **biennial registration as a physician or the issuance or** renewal of a license to practice certain **other** medical professions to report to the applicable professional licensing board whether he or she has received training in the treatment of mental and emotional trauma. If the applicant has received training to provide such treatment immediately following an emergency or disaster, **sections ~~112-171~~ 18-23** require the applicant to describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State. **Sections ~~112-171~~ 18-23** require each professional licensing board that licenses such professionals to maintain and provide to a governmental entity responding to an emergency or disaster: (1) a list of all licensees and the types of training that the licensee reports having received; and (2) the names and contact information for ~~at least five~~ licensees who have training in the treatment of mental and emotional trauma immediately following an emergency or disaster and are willing to respond immediately to an emergency or disaster at any location in this State. **Sections ~~101~~ 15 and ~~112-171~~ 18-23** of this bill provide that such information is otherwise confidential.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department:

1. Shall develop a State Plan for Services for Victims of Crime to ensure that agencies which provide compensation to and services for victims of crime coordinate their efforts and use the same data.

2. Shall consult with each of its divisions and all other agencies which administer a fund designated for victims of crime when developing the State Plan for Services for Victims of Crime.

3. *May consult with any agency which provides support for victims of crime when developing the State Plan for Services for Victims of Crime.*

4. *Shall make any forms used to provide compensation for victims of crime established by this section and NRS 217.010 to 217.270, inclusive, available on an Internet website maintained by the Department and allow those forms to be submitted using that Internet website.*

5. *Shall develop a survey to determine the effectiveness of the various methods for providing compensation to victims of crimes established by this section and NRS 217.010 to 217.270, inclusive, and identify any barriers to the provision of such compensation. The Department shall request each person who submits a claim pursuant to this section and NRS 217.010 to 217.270, inclusive, to complete the survey.*

Sec. 2. NRS 217.038 is hereby amended to read as follows:

217.038 “Department” means the Department of ~~Administration~~ **Health and Human Services.**

Sec. 3. NRS 217.070 is hereby amended to read as follows:

217.070 1. “Victim” means:

(a) A person who is ~~physically~~ injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as “sexual abuse” is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 4. NRS 217.100 is hereby amended to read as follows:

217.100 1. Any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, *and section 1 of this act* may apply to the Director for such compensation ~~+~~ ***not later than 24 months after the injury or death for which compensation is claimed.*** Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

2. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

Sec. 5. NRS 217.117 is hereby amended to read as follows:

217.117 1. The applicant or the Director may, within 15 days after the hearing officer renders a decision, appeal the decision to an appeals officer. The appeals officer may hold a hearing or render a decision without a hearing. If the appeals officer holds a hearing, the appeals officer must give notice to the applicant, hold the hearing within 30 days after the notice, and render a decision in the case within 15 days after the hearing. The appeals officer shall render a decision in each case within 30 days after receiving the appeal and the record if a hearing is not held. The appeals officer may affirm, modify or reverse the decision of the hearing officer.

2. The appeals officer has the same powers as are vested in the hearing officer pursuant to NRS 217.113.

3. The applicant or the Director may, within 15 days after the appeals officer renders a decision, appeal the decision ~~to the Board. The Board shall consider the appeal on the record at its next scheduled meeting if the appeal and the record are received by the Board at least 5 days before the meeting. Within 15 days after the meeting the Board shall render its decision in the case or give notice to the applicant that a hearing will be held. The hearing must be held within 30 days after the notice is given and the Board shall render its decision in the case within 15 days after the hearing. The Board may affirm, modify or reverse the decision of the appeals officer.~~

~~4. The decision of the Board is final and not subject to judicial review.} *in accordance with the regulations adopted by the ~~Director~~ Department pursuant to NRS 217.130.*~~

Sec. 6. NRS 217.130 is hereby amended to read as follows:

217.130 1. ~~{With the approval of the Board, the Director may adopt, rescind and amend rules and regulations prescribing}~~ *The State Plan for Services for Victims of Crime adopted pursuant to section 1 of this act must carry out the provisions of NRS 217.010 to 217.270, inclusive, and section 1 of this act, and must include, without limitation, rules and regulations:*

(a) Establishing the eligibility requirements for receiving compensation under the provisions of NRS 217.010 to 217.270, inclusive, and section 1 of this act in accordance with state and federal law.

(b) Prescribing the procedures to be followed in the filing of applications and proceedings under NRS 217.010 to 217.270, inclusive, and section 1 of this act, and for such other matters as the Director deems appropriate.

(c) *Providing for administrative hearings to address appeals of the decisions of appeals officers pursuant to subsection 3 of NRS 217.117.*

2. *Before adopting, amending or repealing any rule or regulation contained in the State Plan, the Department must give at least 30 days' notice of the intended action.*

3. *The notice of intent to act upon a rule or regulation must:*

(a) *Include a statement of the need for and purpose of the proposed rule or regulation, and either the terms or substance of the proposed rule or regulation or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.*

(b) *Include a statement identifying the entities that may be financially affected by the proposed rule or regulation and the potential financial impact, if any, upon a local government.*

(c) *State each address at which the text of the proposed rule or regulation may be inspected and copied.*

(d) *Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Department for that purpose.*

4. *All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed rule or regulation, orally or in writing. The Department shall consider fully all oral and written submissions relating to the proposed rule or regulation.*

5. *The Department shall keep, retain and make available for public inspection written minutes and an audio recording or transcript of each public hearing held pursuant to this section in the manner provided in NRS 241.035. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.*

6. *An objection to any rule or regulation on the ground of noncompliance with the procedural requirements of this section may not be made more than 2 years after the effective date of the rule or regulation.*

7. *The Department shall submit a copy of any rule or regulation adopted pursuant to this section to ~~the Board and~~ the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.*

Sec. 7. NRS 217.150 is hereby amended to read as follows:

217.150 ~~With the approval of the Board, the~~ **The** Director shall, so far as practicable, formulate standards for the uniform application of NRS 217.010 to 217.270, inclusive, **and section 1 of this act**, by the compensation officers in the determination of the amount of any compensation payable pursuant to NRS 217.010 to 217.270, inclusive, ~~+~~, **and section 1 of this act**. The standards must take into consideration rates and amounts of compensation payable for injuries and death under other laws of this state and of the United States.

Sec. 8. NRS 217.170 is hereby amended to read as follows:

217.170 Upon application made by an appropriate prosecuting authority, the compensation ~~officer~~ **officer**, hearing **officer** or appeals officer ~~for the Board~~ may suspend any proceedings being conducted pursuant to NRS 217.010 to 217.270, inclusive, **and section 1 of this act**, for such period as the officer ~~for the Board~~ deems appropriate on the ground that a prosecution for an offense arising from the act or omission to act on which the claim for compensation is based has been commenced or is imminent.

~~Sec. 7.~~ **Sec. 9.** NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall ~~consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.~~ **award compensation unless the injury or death of the victim was substantially attributable to a wrongful act of the victim or substantially provoked by the victim.**

2. If the case involves a victim of domestic violence, sexual assault or sex trafficking, the compensation officer shall not consider the **wrongful act**, provocation ~~or consent~~ or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

- (a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;
- (b) Insurance;
- (c) The employer of the victim; or
- (d) Another private or public source or program of assistance,

the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the ~~Board~~ **Department** the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

- (a) "Domestic violence" means an act described in NRS 33.018.
- (b) "Public source or program of assistance" means:
 - (1) Public assistance, as defined in NRS 422A.065;
 - (2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) “Sex trafficking” means a violation of subsection 2 of NRS 201.300.

(d) “Sexual assault” has the meaning ascribed to it in NRS 200.366.

Sec. 10. NRS 217.210 is hereby amended to read as follows:

217.210 1. Except as otherwise provided in subsection 2, an order for the payment of compensation must not be made unless the application is made within 1 year after the date of the personal injury or death on which the claim is based, unless waived by the ~~{Board of Examiners}~~ **Director** or a person designated by the ~~{Board}~~ **Director** for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.

2. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

Sec. 11. NRS 217.240 is hereby amended to read as follows:

217.240 An applicant who accepts an award does so under the following conditions:

1. The State of Nevada is immediately subrogated in the amount of the award to any right of action or recovery the applicant may have against any party, and that right of subrogation may be diminished for attorney’s fees and other costs of litigation in obtaining a recovery from another source; and

2. If recovery from any source is obtained for damages caused by the crime, the applicant shall promptly notify the Director of the source and amount of that recovery, and shall promptly pay to the ~~{Board}~~ **Department** the lesser of the amount of the award made pursuant to this chapter or the amount recovered less attorney’s fees and costs. The duty of notice and payment pursuant to this subsection continues until the amount of the award has been repaid to the State of Nevada.

Sec. 12. NRS 217.245 is hereby amended to read as follows:

217.245 Notwithstanding another provision of law, if a person who provides a service to a victim for which compensation is ordered pursuant to paragraph (a) of subsection 1 of NRS 217.200 accepts payment from the ~~{Board}~~ **Department** for such a service, the person shall be deemed to have agreed to the condition that:

1. Such payment by the ~~{Board}~~ **Department** constitutes payment in full for the service provided; and

2. The person may not collect or attempt to collect further payment from the victim or person on whose behalf the payment is made by the ~~{Board}~~ **Department**.

Sec. 13. NRS 217.260 is hereby amended to read as follows:

217.260 1. Money for payment of compensation as ordered by the ~~{Board}~~ **Department** and for payment of salaries and other expenses incurred

by the Department pursuant to NRS 217.010 to 217.270, inclusive, and section 1 of this act, must be paid from the Fund for the Compensation of Victims of Crime, which is hereby created. Money in the Fund must be disbursed ~~for the order of the Board~~ by the Department in the same manner as other claims against the State are paid and in accordance with the rules and regulations adopted pursuant to NRS 217.130. Such rules and regulations must include, without limitation, the requirements that:

- (a) Claims be categorized as to their priority; and
- (b) Claims categorized as the highest priority be paid, in whole or in part, before other claims.

2. The Department shall prepare ~~and submit~~ quarterly ~~to the Board, for its approval,~~ estimates of:

- (a) The revenue in the Fund which is available for the payment of compensation; and
- (b) The anticipated expenses for the next quarter.

3. Money deposited in the Fund which is recovered from a forfeiture of assets pursuant to NRS 200.760 and the interest and income earned on that money must be used for the counseling and medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710, 200.720, 200.725, 200.730 or 201.230.

4. The interest and income earned on the money in the Fund for the Compensation of Victims of Crime, after deducting any applicable charges, must be credited to the Fund.

5. Any money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund and must be carried over into the next fiscal year.

~~Sec. 8.~~ **Sec. 14.** NRS 233B.039 is hereby amended to read as follows:
233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The Governor.
- (b) Except as otherwise provided in NRS 209.221, the Department of Corrections.
- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- (i) ~~The State Board of Examiners acting pursuant to chapter 217 of NRS.~~
- (j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

~~(k)~~ (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

~~(l)~~ (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

~~(m)~~ (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

~~(n)~~ (m) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada; ~~or~~

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178 ~~†~~; **or**

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

~~Sec. 9.~~ **Sec. 15.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,

453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 ~~†~~ **and sections ~~17~~ 18 to ~~17~~ 23, inclusive, of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the

governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

~~§Sec. 10.1~~ **Sec. 16.** Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any state emergency management plan prepared pursuant to NRS 414.060 and each plan for emergency operations specified in paragraph (b) of subsection 4 of NRS 414.040 that is adopted by a state or local governmental agency must:

(a) Be developed and executed in collaboration with persons and organizations that advocate for the needs of victims of emergencies and disasters; and

(b) Include, without limitation:

(1) Plans for providing assistance to victims of emergencies or disasters;

(2) Procedures for coordinating and accepting donations on behalf of such victims of emergencies or disasters, including, without limitation, procedures that allow donations to be accepted in a manner that is convenient for donors and have low administrative costs; and

(3) Other provisions recommended by the Office for Victims of Crime of the United States Department of Justice for helping victims of mass violence and terrorism.

2. Any state emergency management plan prepared pursuant to NRS 414.060 must include, without limitation, a prescribed chain of command that includes each person responsible for overseeing or executing any part of the response to an emergency or disaster.

~~§Sec. 11.1~~ **Sec. 17.** NRS 414.070 is hereby amended to read as follows:

414.070 The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his or her proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section.

Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster. During the period when a state of emergency or declaration of disaster exists or continues, the Governor may exercise the following additional powers:

1. To enforce all laws and regulations relating to emergency management and to assume direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State.

2. To sell, lend, lease, give, transfer or deliver materials or perform services for the purpose of emergency management on such terms and conditions as the Governor prescribes and without regard to the limitations of any existing law, and to account to the State Treasurer for any money received for such property.

3. Except as otherwise provided in NRS 414.155 and 414.340, to procure, by purchase, condemnation, seizure or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitations of any existing law. The Governor shall make compensation for the property so seized, taken or condemned on the following basis:

(a) If property is taken for temporary use, the Governor, within 90 days after the taking, shall fix the amount of compensation to be paid therefor. If the property is returned to the owner in a damaged condition, or is not returned to the owner, the Governor shall fix within 90 days the amount of compensation to be paid for the damage or failure to return the property. If the Governor deems it advisable for the State to take title to property taken under this section, the Governor shall forthwith cause the owner of the property to be notified thereof in writing by registered or certified mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of the notice with the Secretary of State.

(b) Within the 90-day period prescribed in paragraph (a), the Governor shall make an offer in writing to the person or persons entitled to receive it of the amount of money proposed to be paid as full compensation. If the offer is accepted, the money must be paid out of such fund, funds or other sources as are available and no further action in law or in equity may ever be maintained in connection therewith. If the offer of payment is refused, the person or persons entitled thereto have the same rights as plaintiffs in actions of eminent domain insofar as the fixing of damages and compensation is concerned, NRS 37.060, 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings must be had in conformity therewith so far as possible. The action must be commenced within 1 year after the receipt of the offer of settlement from the Governor.

4. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons.

5. Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this chapter for willful failure to obey an order or regulation adopted pursuant to this chapter. The removal must be upon charges after service upon the officer of a copy of the charges and after giving him or her an opportunity to be heard in his or her defense. Pending the preparation and disposition of charges, the Governor may suspend the officer for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section must be filled as provided by law.

6. *To authorize providers of emergency medical services and providers of mental health services who are not licensed, certified or registered, as applicable, in this State but hold a license, certificate, registration or similar credential in good standing in another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States to practice their profession within their scope of practice as if they were licensed, certified or registered, as applicable, in this State for the amount of time necessary to assist in responding to the emergency or disaster.*

7. To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

~~Sec. 12.~~ **Sec. 18.** Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Require each applicant for biennial registration as a physician or the issuance or renewal of a license as a ~~physician or~~ physician assistant to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed physician and physician assistant and ~~the type of~~ any training described in subparagraph (1) of paragraph (a) that the licensee has received ~~(that is updated)~~ and update the list at least annually ~~to~~ to include information reported pursuant to paragraph (a) by licensees who registered or renewed their license during the immediately preceding year;

(c) *Maintain a list of the names and contact information for ~~at least five~~ physicians or physician assistants who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and*

(d) *Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.*

2. The Board shall not deny biennial registration as a physician or the renewal of a license as a physician assistant solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

~~Sec. 13.~~ **Sec. 19.** Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) *Require each applicant for the ~~issuance or~~ renewal of a license as a registered nurse to:*

(1) *Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and*

(2) *If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;*

(b) *Maintain a list of each registered nurse and ~~the type of~~ any training described in subparagraph (1) of paragraph (a) that the nurse has received ~~that is updated~~ and update the list at least annually ~~to~~ to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;*

(c) *Maintain a list of the names and contact information for ~~at least five~~ registered nurses who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and*

(d) *Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.*

2. The Board shall not deny the renewal of a license as a registered nurse solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

~~Sec. 14.~~ **Sec. 20.** Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Require each applicant for the ~~issuance or~~ renewal of a license as an osteopathic physician or physician assistant to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed osteopathic physician and physician assistant and ~~the type of~~ any training described in subparagraph (1) of paragraph (a) that the licensee has received ~~that is updated~~ and update the list at least annually ~~to~~ to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;

(c) Maintain a list of the names and contact information for ~~at least five~~ osteopathic physicians or physician assistants who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as an osteopathic physician or physician assistant solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

~~Sec. 15.~~ **Sec. 21.** Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Require each applicant for the ~~issuance or~~ renewal of a license as a psychologist to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed psychologist and ~~the type of~~ any training described in subparagraph (1) of paragraph (a) that the licensee has received ~~(that is updated)~~ and update the list at least annually ~~to~~ to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;

(c) Maintain a list of the names and contact information for ~~at least five~~ psychologists who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as a psychologist solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

~~Sec. 16.~~ Sec. 22. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Require each applicant for the ~~issuance or~~ renewal of a license as a marriage and family therapist or clinical professional counselor to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe

the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed marriage and family therapist and clinical professional counselor and ~~the type of~~ any training described in subparagraph (1) of paragraph (a) that the licensee has received ~~that is updated~~ and update the list at least annually ~~to~~ to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;

(c) Maintain a list of the names and contact information for ~~at least five~~ marriage and family therapists or clinical professional counselors who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as a marriage and family therapist or clinical professional counselor solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

~~Sec. 17.~~ *Sec. 23. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:*

1. The Board shall:

(a) Require each applicant for the ~~issuance or~~ renewal of a license as a clinical social worker to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed clinical social worker and ~~the type of~~ any training described in subparagraph (1) of paragraph (a) that the licensee has received ~~that is updated~~ and update the list at least annually ~~to~~ to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;

(c) *Maintain a list of the names and contact information for at least five* clinical social workers who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as a clinical social worker solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

~~Sec. 18.~~ **Sec. 24.** 1. Notwithstanding the amendatory provisions of this act transferring the authority to adopt regulations from the Director of the Department of Administration to the Department of Health and Human Services, any regulations adopted by the Department of Administration pursuant to NRS 217.130 before October 1, 2019, that do not conflict with the amendatory provisions of this act remain in effect and may be enforced by the Department of Health and Human Services until the Department adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Director of the Department of Administration that conflict with the amendatory provisions of this act are void.

3. The Department of Health and Human Services shall adopt the State Plan for Services for Victims of Crime described in section 1 of this act and NRS 217.130, as amended by section 6 of this act, on or before July 1, 2020.

Sec. 25. NRS 217.030 is hereby repealed.

~~Sec. 19.~~ **Sec. 26.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~18,~~ **25**, inclusive, of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

3. Sections 2, 3, 4, ~~and~~ 7 to ~~18,~~ **17**, inclusive, **24 and 25** of this act become effective on July 1, 2019, for all other purposes.

4. Sections 1, 5, ~~and~~ 6 **and 18 to 23, inclusive**, of this act become effective on July 1, 2020, for all other purposes.

TEXT OF REPEALED SECTION

217.030 “Board” defined. “Board” means the State Board of Examiners.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:55 p.m.

ASSEMBLY IN SESSION

At 7:29 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Roberts moved that the Assembly reconsider the action whereby Senate Bill No. 461 was passed.

Motion carried.

Assemblyman Roberts moved that Senate Bill No. 461 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 12 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 12.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 953.

AN ACT relating to counties; authorizing a county to use revenue collected from certain telephone surcharges to pay for an analysis or audit of the surcharges collected by a telecommunications provider ~~for~~ **certain costs related to a master plan and certain costs for personnel and training associated with portable event recording devices and vehicular event recording devices**; providing the conditions under which ~~such~~ **the** audits may be performed; **prioritizing the expenditure of the proceeds of certain telephone surcharges; requiring a recipient of money collected from the surcharge to repay or return that money under certain circumstances**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to impose a surcharge for the enhancement of the telephone system for reporting an emergency if the board adopts and reviews, at least annually, a 5-year master

plan for the enhancement of that system or the purchase and maintenance of certain recording devices. (NRS 244A.7643) If a county imposes such a surcharge, the revenue collected from the surcharge must be **deposited in a special revenue fund and** used only for certain purposes. (NRS 244A.7645)

Section 1.3 of this bill authorizes the revenue collected from the surcharge to also be used to pay for the costs of an analysis or audit of the surcharges collected by a telecommunications provider. **Section 1** of this bill authorizes the board of county commissioners in a county where a surcharge is imposed to engage an independent auditor to perform such an analysis or audit: (1) as part of the mandatory review of the 5-year master plan; or (2) if a previous analysis or audit revealed evidence of a violation of certain provisions of law with respect to the amount of money a telecommunications provider collected or remitted to the county.

Section 1.3 further authorizes the revenue collected from the surcharge to also be used for personnel and training associated with: (1) maintaining, updating and operating the equipment, hardware and software of portable event recording devices and vehicular event recording devices; and (2) the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices.

Section 1.3 establishes the order of priority that revenue collected from the surcharge may be expended.

Section 1.3 also requires a recipient to: (1) return money not used within 6 months for an approved purpose; (2) repay any money that is not used for an approved purpose; and (3) repay any amount to which the recipient was not entitled to receive.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, if a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county may, as part of its review of the 5-year master plan adopted pursuant to NRS 244A.7643 for the enhancement of the telephone system for reporting emergencies in the county or for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices, as applicable, engage a qualified independent auditor to perform an analysis or audit of the surcharges collected by telecommunications providers in the county.

2. An auditor that performs an analysis or audit pursuant to this section:
(a) Shall not charge a fee exceeding the actual costs of performing the analysis or audit.

(b) Shall submit a report of his or her findings to the advisory committee of the county established pursuant to NRS 244A.7645.

3. If an auditor performing an analysis or audit of the surcharges collected by telecommunications providers finds in the course of conducting the analysis or audit evidence of a violation of the provisions of NRS 244A.7643, with respect to the amount of money collected or remitted to the county treasurer by a telecommunications provider, the board of county commissioners may engage a qualified independent auditor to perform an additional analysis or audit of the surcharges collected by the telecommunications provider before the next review of the 5-year master plan is conducted.

Sec. 1.3. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the

county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

(a) **To pay the costs of adopting and reviewing the 5-year master plan for the enhancement of the telephone system for reporting emergencies in the county that is required pursuant to NRS 244A.7643.**

(b) With respect to the telephone system for reporting an emergency:

(1) In a county whose population is 45,000 or more, to enhance the telephone system for reporting an emergency, including only:

(I) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(II) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(III) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and

(IV) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(2) In a county whose population is less than 45,000, to improve the telephone system for reporting an emergency in the county.

~~(c)~~ (c) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices, ~~paying~~ :

(1) ~~Paying~~ costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices, ~~;~~

~~(e)~~ :

(2) **Paying costs for personnel and training associated with maintaining, updating and operating the equipment, hardware and software necessary for portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices; and**

(3) **Paying costs for personnel and training associated with the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.**

(d) To pay any costs associated with performing an analysis or audit pursuant to section 1 of this act of the surcharges collected by telecommunications providers.

4. For the purposes described in subsection 3, money in the fund must be expended in the following order of priority:

(a) Paying the costs authorized pursuant to paragraph (a) of subsection 3 to adopt and review the 5-year master plan.

(b) If the county performs an analysis or audit described in section 1 of this act, paying the costs associated authorized pursuant to paragraph (d) of subsection 3.

(c) Paying the costs authorized pursuant to paragraph (b) of subsection 3.

(d) If the county has imposed a portion of the surcharge for purposes of purchasing and maintaining portable event recording devices and vehicular event recording devices:

(1) Paying the costs authorized pursuant to paragraph (c) of subsection 3 other than costs related to personnel and training.

(2) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to personnel.

(3) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to training.

5. If money in the fund is distributed to a recipient and:

(a) The recipient has not used the money for any purpose authorized pursuant to subsection 3 within 6 months, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Return the unused money.

(b) The recipient used any portion of the money for a purpose that is not authorized pursuant to subsection 3, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay the portion of the money that was used for a purpose not authorized pursuant to subsection 3.

(c) The recipient was not entitled to receive all or a portion of the money, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay all money to which the recipient was not entitled to receive.

6. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds \$5,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$5,000,000.

~~5~~ 7. If the balance in the fund created in a county whose population is 45,000 or more but less than 100,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$1,000,000.

~~6~~ 8. If the balance in the fund created in a county whose population is less than 45,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

Sec. 1.7. 1. Notwithstanding the provisions of section 1 of this act, the board of county commissioners of a county where a surcharge is imposed pursuant to NRS 244A.7643 may, between July 1, 2019, and July 1, 2020, engage an independent auditor to perform an analysis or audit of the surcharges collected by telecommunications providers.

2. An auditor that performs an analysis or audit pursuant to this section:

- (a) Shall not charge a fee exceeding the actual costs of performing the analysis or audit.
- (b) Shall submit a report of his or her findings to the advisory committee of the county established pursuant to NRS 244A.7645.

3. If a board of county commissioners has an analysis or audit performed pursuant to this section, the board may use money in the special revenue fund created pursuant to NRS 244A.7645, as amended by section 1.3 of this act, to pay the costs of performing the analysis or audit.

Sec. 2. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 479.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 479 eliminates the requirement that a residential mortgage loan originator acting on behalf of privately insured institutions be licensed as a mortgage agent by the Division of Financial Institutions of the Department of Business and Industry. This requirement is eliminated when the Division enters into a Memorandum of Understanding with the National Credit Union Administration for the registration of mortgage loan originators under the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, commonly known as the SAFE Act.

Roll call on Senate Bill No. 479:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 481.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Senate Bill 481 authorizes the Commissioner of the Division of Insurance of the Department of Business and Industry to issue a certificate of authority to a self-funded multiple employer welfare arrangement that meets certain requirements. Additionally, the bill allows only one short-term health insurance policy with a 185-day maximum coverage limit to be sold in any 365-day period. The bill also requires a carrier that offers an individual health benefit plan to include on either its enrollment website or printed enrollment information a notice stating that a consumer may be eligible to certain financial benefits on the Silver State Health Insurance Exchange. However, such notice is not required if the federal financial assistance is not available. Finally, the bill authorizes the Exchange to allow individuals to purchase health insurance policies from outside the rating area where they reside.

Roll call on Senate Bill No. 481:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 482 authorizes the Commissioner of the Division of Insurance of the Department of Business and Industry to enter into compacts with surrounding states and allows reciprocal licensing with neighboring states' health insurers to ensure essential insurance is made available in this state. Additionally, the bill authorizes the Commissioner to apply to the federal Secretary of the United States Department of Health and Human Services, in accordance with provisions of the Patient Protection and Affordable Care Act, for a state innovation waiver with respect to health insurance coverage for a plan beginning on or after January 1, 2020. Finally, the bill eliminates provisions establishing requirements for any health benefit plan for individuals that is not purchased on the Silver State Health Insurance Exchange.

Roll call on Senate Bill No. 482:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 482 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 486 deems a traffic citation, which none of us in this Chamber would ever receive, to be a lawful complaint when filed with a court regardless of whether the citation was prepared electronically or by other means. The measure provides that when a person physically receives a copy of a traffic citation, you are not allowed to cry or curse, but the receipt of the citation must be deemed personal service of a notice to appear in court to adjudicate the citation.

Roll call on Senate Bill No. 486:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 520.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 520, as amended, appropriates \$8.2 million from the General Fund to the Distributive School Account due to an unanticipated increase in K-12 enrollment for the 2017-2018 and 2018-2019 school years as well as an unanticipated shortfall in revenue over the 2017-2019 biennium.

Roll call on Senate Bill No. 520:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblymen Watts and Titus.

ASSEMBLYMAN WATTS:

Senate Joint Resolution 4 expresses support for federal legislation known as the Recovering America's Wildlife Act which, if enacted, would provide dedicated methods of funding for conservation of wildlife as prioritized within the Wildlife Action Plan of Nevada's Department of Wildlife. This resolution is effective upon passage.

ASSEMBLYWOMAN TITUS:

Unfortunately I have to be in opposition of SJR. 4. Although I absolutely support wildlife and I support the Nevada outdoors and enjoy our beautiful state, part of this resolution requests that if the federal government comes up with funds for our state, the state has to match that. I have big concerns about where that money might come from. So unfortunately, I have to be a no, but I do support Nevada.

Roll call on Senate Joint Resolution No. 4:

YEAS—32.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Titus, Wheeler—7.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Joint Resolution No. 4 having received a constitutional majority,
Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Joint Resolution 7 expresses support for finding innovative transportation solutions in the Lake Tahoe Basin and for the efforts of the Bi-State Working Group on Transportation.

Roll call on Senate Joint Resolution No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Joint Resolution No. 7 having received a constitutional majority,
Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 1 of the 79th Session.

Resolution read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Senate Joint Resolution 1 of the 79th Session proposes to amend the *Nevada Constitution* by expressly providing for the State Board of Pardons Commissioners.

If approved, it goes to the voters at the 2020 General Election.

Roll call on Senate Joint Resolution No. 1 of the 79th Session:

YEAS—37.

NAYS—Hafen, Titus—2.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Joint Resolution No. 1 of the 79th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 3 of the 79th Session.

Resolution read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Senate Joint Resolution 3 of the 79th Session proposes to amend the *Nevada Constitution* to provide certain rights to voters. Specifically, SJR 3 proposes to add to the *Constitution* a list of rights for voters, many of which are set forth in *Nevada Revised Statutes* 293.2546.

Roll call on Senate Joint Resolution No. 3 of the 79th Session:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Joint Resolution No. 3 of the 79th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 113.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Senate Bill 113 removes the requirement that the Governor appoint to the Nevada Commission on Homeland Security a representative of the broadcaster community and instead requires the Governor to appoint the President and Chief Executive Officer, or his or her designee, of the Nevada Broadcasters Association.

Roll call on Senate Bill No. 113:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 140 requires the State Engineer, in any basin in which there is groundwater that has not been committed for use, to reserve 10 percent of the remaining groundwater. The bill also provides that the reserved groundwater is not available for any use.

Roll call on Senate Bill No. 140:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Bill 150 requires, with limited exception, the governing body of a city or county to develop and maintain a water resource plan that includes the identification of known water sources available for use by the community and an analysis of the existing and expected demand for that water. Finally, this measure authorizes the Board for Financing Water Projects to provide grants of money to the governing body of a county or city to develop and maintain a water resource plan.

Roll call on Senate Bill No. 150:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Senate Bill 164 establishes that a “virtual currency,” as defined by the bill, is considered intangible personal property and is therefore exempt from personal property taxes.

Roll call on Senate Bill No. 164:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 172.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Senate Bill 172 requires a municipality to provide a copy of the annual financial information that it submits to the Municipal Securities Rulemaking Board related to the issuance of bonds for each improvement district to the Director of the Legislative Counsel Bureau. If a municipality’s treasurer determines that certain events have occurred, a municipality must then prepare a final accounting for each special fund created for an improvement district.

Roll call on Senate Bill No. 172:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 219 authorizes an occupational or professional licensing board to enter into a contract to accept credit cards, debit cards, or other electronic transfers of money and to charge and collect a convenience fee for any costs related to a transaction or participate in a contract entered into by the Director of the Office of Finance.

Roll call on Senate Bill No. 219:

YEAS—38.

NAYS—Carlton.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 219 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Senate Bill 341 exempts an enterprise fund created by a local government for the purpose of providing telecommunication services from certain limitations on the authority of a governing body to loan or transfer money from the enterprise fund to the general fund of the local government, or the authority to increase fees imposed for the purpose of the enterprise fund.

Roll call on Senate Bill No. 341:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Senate Bill 356 requires the Department of Motor Vehicles, upon receipt of 25 applications, to design, prepare, and issue special license plates for retired military vehicles that are at least 20 years old on the date of application. The vehicle may only be used for charitable events, exhibitions, fundraisers, parades, or similar activities.

Roll call on Senate Bill No. 356:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 356 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 387 requires each nontransplant anatomical donation organization in Nevada to be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services. Such organizations must follow certain standards and guidelines established by the State Board of Health and report certain information to the Division relating to the human bodies and parts they procure. In addition, the Division must, upon request, provide certain information to the Governor and Legislature regarding human bodies and parts collected by nontransplant anatomical donation organizations, and monitor such organizations for compliance with federal and state laws.

Roll call on Senate Bill No. 387:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 387 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 121 creates a form for a power of attorney for health care decisions for persons with any form of dementia that is based on the form used for persons with intellectual disabilities, and removes from statute certain declarations that are currently required to be made by a notary public. It also provides that a person who has executed a power of attorney for financial decisions retains the authority to act on his or her own behalf unless the power of attorney specifically removes this authority.

The bill also extends powers that a public guardian currently has regarding investigating financial and familial issues and receiving certain information regarding a protected person for whom the public guardian has been appointed as a guardian.

Roll call on Senate Bill No. 121:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 233 removes the requirement contained in NRS 387.3335 that the assessed valuation of the taxable property within a school district be declining and other capital resources also be diminishing from the existing list of emergency conditions that the board of trustees of a school district must demonstrate to the Director of the Governor's Office of Finance in order to receive a grant of money from the Fund to Assist School Districts in Financing Capital Improvements.

Roll call on Senate Bill No. 233:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Senate Bill 236 provides that an application for a permit to change the place of diversion of groundwater already appropriated is not required in order for a person to sink or bore a replacement well where, one, both the original and replacement well are located on property owned by the same person and, two, the site of the replacement well is located not more than 300 feet from the original place of diversion.

Roll call on Senate Bill No. 236:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 236 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Senate Bill 239 authorizes a school administrator to extend the two- or three-day period for conducting an investigation into reported cyber-bullying to not more than five days after the report is received in certain circumstances. After the completion of an investigation, any action taken to address the bullying or cyber-bullying must be carried out in a manner that causes the least possible disruption to each victim and, when necessary, the administrator or his or her designee must give priority to protecting the victim over any interest of the perpetrator when determining actions to take.

Roll call on Senate Bill No. 239:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Senate Bill 243 revises the procedure for determining the prevailing rate of wages by changing the geographical area for which the prevailing rate of wages is determined from a county to a region.

Roll call on Senate Bill No. 243:

YEAS—32.

NAYS—Edwards, Ellison, Hansen, Kramer, Krasner, Titus, Wheeler—7.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 252 allows the Director of the Department of Corrections to assign an offender who has not been sentenced to death or life without the possibility of parole to residential confinement or other appropriate supervision not to exceed the length of the offender's sentence.

Roll call on Senate Bill No. 252:

YEAS—38.

NAYS—Krasner.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 253.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 253 authorizes the suspension of a licensed employee of a school district for a reason that the administrator believes may lead to demotion or dismissal. The bill changes from not later than five days to not later than ten days the time a school district superintendent has to begin dismissal proceedings after a suspension becomes effective.

The bill removes the requirement that the superintendent initiate proceedings for the dismissal of an employee charged, but not convicted, of a crime and instead requires the superintendent to offer such an employee the opportunity for an informal hearing concerning the continuation of the suspension within ten days after the employee receives notice of the suspension.

Roll call on Senate Bill No. 253:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 258.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 258 makes various changes related to applied behavior analysis [ABA]. Specifically, the bill removes certification as a state certified behavior interventionist from the *Nevada Revised Statutes*; transfers certain responsibilities related to licensure for certain ABA providers from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; requires continuing education prescribed by the Board for behavior analysts or assistant behavior analysts to be consistent with nationally recognized standards; authorizes applicants for registration as registered behavior technicians to forego the required background check if they submit verification of having passed a criminal background check within the immediately preceding six months; and exempts from licensure and certification persons who provide certain services that could constitute applied behavior analysis as long as those persons do not otherwise separately provide applied behavioral analysis services directly to natural persons.

Roll call on Senate Bill No. 258:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 279.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 279 requires the board of trustees of a general improvement district [GID] to follow certain procedures before selling real property owned by the GID. The board of trustees must obtain two independent appraisals, with limited exceptions, and must not sell the property for less than the average value of the appraisals obtained. The board must adopt procedures for creating and maintaining a list of qualified appraisers as specified.

Roll call on Senate Bill No. 279:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 316.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Senate Bill 316 provides that it is a public nuisance for any person to prevent or obstruct free passage over any federal or state highway, county road, state land, public road, or public land by threat, intimidation, fencing, enclosure, or by any other unlawful means, or to knowingly misrepresent the status of or assert any right to exclusive use and occupancy if the person has no good faith leasehold interest in or claim or color of title to such highway, road, state land, or public land.

Roll call on Senate Bill No. 316:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 347.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Senate Bill 347 revises several provisions related to the growth and production of hemp.

Roll call on Senate Bill No. 347:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 347 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Senate Bill 362 requires regulations adopted by the State Board of Health governing the licensing of adult day care facilities and residential facilities for groups that provide care to people with Alzheimer's disease to also apply to facilities that provide care to people with other severe dementia.

Roll call on Senate Bill No. 362:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Senate Bill 400 changes the amount of a required surety bond before the State Department of Agriculture may issue a license to an operator of a public livestock auction from at least \$200,000 but less than \$1 million to \$200,000 or the amount of bond coverage calculated for a market agency pursuant to federal regulations, whichever is greater.

Roll call on Senate Bill No. 400:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 477 expands existing prohibitions on a court from releasing certain children to a parent or guardian who has been convicted of the abuse, endangerment, or neglect of a child under Nevada law unless the court finds clear and convincing evidence that no physical or psychological harm to the child will result from the release of the child to the parent or guardian.

Roll call on Senate Bill No. 477:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Senate Bill 480 revises the process for determining how many elected justices of the peace a township is required to have based upon the population.

Roll call on Senate Bill No. 480:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Senate Bill 491, among other things, creates provisions related to the issuance of salvage titles.

Roll call on Senate Bill No. 491:

YEAS—38.

NAYS—Titus.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 491 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Joint Resolution 1 urges the United States Congress to work with the Bureau of Land Management and the U.S. Forest Service to ensure that cheatgrass in certain areas is included in their calculation for temporary nonrenewable use in the forage estimates that those agencies use in their management and control of livestock grazing in Nevada.

Roll call on Senate Joint Resolution No. 1:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 296 directs the Commission on Professional Standards in Education to adopt regulations authorizing the issuance of a license by endorsement to applicants who hold an equivalent license or authorization from another country. The qualifications for the equivalent license or authorization must be substantially similar to those prescribed for an applicant for a state license as determined by the state superintendent of public instruction.

Roll call on Senate Bill No. 296:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 86 is the omnibus bill of the Division of Insurance, Department of Business and Industry, which makes numerous changes to provisions governing insurance, including all the things that our wonderful Chief Clerk just mentioned.

Roll call on Senate Bill No. 86:

YEAS—32.

NAYS—Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Wheeler—7.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 86 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Senate Bill 414 increases the amount of the award of the Kenny C. Guinn Memorial Millennium Scholarship from \$4,500 to \$5,000 each year. It also increases the number of scholarship recipients from one student to two students who attend certain colleges or universities in northern Nevada, and from one student to two students who attend certain colleges or universities in southern Nevada. The bill provides for scholarship eligibility to include students enrolled at nonprofit universities that award a bachelor's degree in education to residents of northern or southern Nevada.

Roll call on Senate Bill No. 414:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 498, as amended, requires the Department of Health and Human Services to include in the State Plan for Temporary Assistance for Needy Families, to the extent authorized by federal law, provisions for child-only assistance to a fictive kin who is caring for a child in foster care. The measure also establishes that fictive kin are eligible for assistance pursuant to the Kinship Guardianship Assistance Program.

Roll call on Assembly Bill No. 498:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblymen Spiegel and Edwards.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 538 repeals the provisions that require the Department of Taxation to reduce the tax rates for the Modified Business Tax [MBT] if the actual collections from the tax, in conjunction with the collections from the Branch Bank Excise Tax and the Commerce Tax, exceed 104 percent of the revenue projected from those revenue sources by the Economic Forum in an even-numbered fiscal year. The bill also prohibits the Department of Taxation from applying any determination made under this mechanism to reduce the rates of the Modified Business Tax for any fiscal year beginning on or after July 1, 2015.

Based on the provisions of this bill, the Modified Business Tax rates, which were scheduled to decrease to 1.853 percent of all taxable wages for financial institutions and mining companies and 1.378 percent of taxable wages in excess of \$50,000 per quarter for all other businesses effective July 1, 2019, will remain at their current rates of 2 percent and 1.475 percent respectively, on and after that date.

ASSEMBLYMAN EDWARDS:

In 2015 when the Commerce Tax was passed, I rose in opposition to it because I feared what we are about to do was going to happen. One of the selling points for the Commerce Tax was having this trigger in place in order to have the MBT offset if there was an excess of revenue coming in. By taking away this trigger, I think we are betraying the trust that people, especially the business community, put in us when they supported this tax in 2015. I would urge you to vote against it so that we can actually be true to the course we set in 2015.

Roll call on Assembly Bill No. 538:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 127 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Senate Bill 447 enacts the exemption from sales and use tax for certain durable medical equipment. This exemption was approved by voters at the 2016 and the 2018 General Elections.

As everyone knows, my father is a paraplegic and uses a lot of medical devices. I voted against this in both elections however today, because the people have asked for this, I will be voting for this.

Roll call on Senate Bill No. 447:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Senate Bill 77 allows county hospitals or a hospital in a county hospital district to make purchases through purchasing contracts.

Roll call on Senate Bill No. 77:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:31 p.m.

ASSEMBLY IN SESSION

At 8:35 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 186 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 365 provides that it is an unfair method of competition in the business of insurance to knowingly access or utilize a provider of health care's contractual discount without a contractual relationship with the provider of health care, health carrier, or contracted third party.

The bill requires a health carrier to make certain disclosures of its provider network contracts and maintain an Internet website when granting third parties access to a network contract. Finally, the bill requires that health carriers and third parties comply with the requirements for websites when submitting remittance advice and explanation of payments to providers of health care.

Roll call on Senate Bill No. 365:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 432.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 432 authorizes the Commissioner of the Division of Financial Institutions of the Department of Business and Industry to license and regulate a consumer litigation funding company. Additionally, the bill requires the Commissioner to annually examine a licensee and requires a licensee submit an annual report, pay certain assessments, and maintain assets of at least \$50,000.

Roll call on Senate Bill No. 432:

YEAS—38.

NAYS—Titus.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 432 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 453.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 453 raises the minimum GPA [grade point average] for the Millenium Scholarship Program.

Roll call on Senate Bill No. 453:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 125 makes changes concerning the determination of bail. The bill prohibits the modification of bail in certain circumstances and revises provisions governing conditions of bail. The measure sets forth priorities for conditions of release and removes certain specified amounts of monetary bail in existing law.

Roll call on Assembly Bill No. 125:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 302 requires a governmental agency that collects data to comply with certain information security standards. This bill also requires the legislative auditor to review the compliance of the security standards for records containing personal information when conducting an audit. Finally, the bill requires permanent removal all data from electronic waste before disposing of such waste.

Roll call on Senate Bill No. 302:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 311 expands the protection against discrimination against a person seeking credit to include color, creed, disability, gender identity or expression, marital status, national origin or ancestry, race, religion, and sexual orientation. The bill requires the Commissioner of the Financial Institutions Division to study the nature and extent of any discrimination of the expanded protections and to cooperate with and assist in programs to prevent or eliminate such discrimination. Additionally, this bill requires a creditor to deem the credit history of a credit applicant to be identical to the credit history of that applicant's spouse, under certain circumstances. A violation of this new requirement is deemed to be discrimination based on marital status. It is effective October 1, 2019.

If I may, two years ago this body passed and I supported the Equal Rights Amendment. One of the recognitions we gave was that years ago, women could not establish their own credit. My mother-in-law lost her husband of 53 years and after all his accounts closed and she tried to open a credit card for the first time in her life, it was about the same credit limit as my 17-year-old daughter. This would help to rectify that, for her and for many others in her generation. I would urge your support.

Roll call on Senate Bill No. 311:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 435.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 435 enacts several provisions relating to personal injury claims.

Roll call on Senate Bill No. 435:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 81 establishes the Department of Indigent Defense Services to oversee indigent defense services in the state of Nevada.

Roll call on Assembly Bill No. 81:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 452 amends the Nevada Lobbying Disclosure Act and designates certain provisions of the existing law as Nevada's Financial Disclosure Act. Certain provisions concerning reporting by lobbyists are aligned with required reporting by public officials. The Legislative Commission may adopt regulations that provide for exemptions and exceptions to the required registration by lobbyists. The Director of LCB shall interpret provisions and coordinate with the Secretary of State to ensure uniformity in the required reporting.

Roll call on Assembly Bill No. 452:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Remarks by Assemblymen Watts and Titus.

ASSEMBLYMAN WATTS:

Assembly Bill 537 authorizes the State Department of Conservation and Natural Resources and the Division of Environmental Protection to impose additional remedies for violations of certain environmental laws.

ASSEMBLYWOMAN TITUS:

I rise in opposition to Assembly Bill 537. Unfortunately, it does a little bit more than just change a few environmental laws. It takes in water conservation issues that it previously has not. The changes proposed extend the same provisions to water, hazardous material, and mining reclamation sites where contaminated areas are typically easier to contain, isolate, and clean up. Unfortunately this bill, with its amendment, may add unnecessary delays and increase costs to these sites. I urge you not to support it.

Roll call on Assembly Bill No. 537:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Titus, Tolles, Wheeler—11.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 537 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 10.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Bill 10 clarifies that compensation does not include any contribution made to the Public Employees' Retirement System on behalf of a member of a board of trustees of a general improvement district.

Roll call on Senate Bill No. 10:

YEAS—38.

NAYS—Duran.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 37 revises various provisions regarding the scope of practice for marriage and family therapists and clinical professional counselors. The bill also revises various fees collected by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, changes the expiration of a license from annually to biennially, and finally, the bill clarifies that funds collected by the Board may be used to compensate its employees.

Roll call on Senate Bill No. 37:

YEAS—37.

NAYS—Krasner, Titus—2.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 37 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 53 provides that until June 30, 2020, if the Mining Oversight and Accountability Commission [MOAC] fails to review mining regulations adopted by the State Environmental Commission or the Commission on Mineral Resources within 30 days after their adoption, the regulations will become effective if approved in accordance with the Nevada Administrative Procedure Act. The bill also revises certain membership requirements of MOAC.

Roll call on Senate Bill No. 53:

YEAS—30.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Tolles, Wheeler—9.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Senate Bill 125 expands the acceptable forms of payment that the State Board of Landscape Architecture may accept as payment for various fees. It revises the fees collected by the Board, and it provides that the Executive Director must consider a complaint that is filed with the Board to determine if further proceedings are warranted.

Roll call on Senate Bill No. 125:

YEAS—37.

NAYS—Kramer, Titus—2.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 125 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 371 authorizes a person to maintain the property in a manufactured home park, including a manufactured home, without any license if the maintenance does not affect fuel systems or the structural systems of a manufactured home and the value of the maintenance is less than \$1,000. Additionally, a person who is licensed as a contractor may perform any maintenance in a manufactured home park, including on a manufactured home, if the maintenance does not affect fuel systems or the structural systems of a manufactured home. Finally, this bill authorizes complaints concerning work performed by a person licensed as a contractor to be filed with the Housing Division of the Department of Business and Industry, and in case of a violation, requires the Division to forward its final decision and order to the State Contractors' Board for further disciplinary action.

Roll call on Senate Bill No. 371:

YEAS—38.

NAYS—Ellison.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Senate Bill 390 requires the State Quarantine Officer to adopt regulations regarding slaughtering and processing of poultry.

Roll call on Senate Bill No. 390:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 390 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 431 revises provisions governing the crime of organized retail theft by making it a crime for a person to knowingly participate directly or indirectly or engage in conduct with the intent to further an organized retail theft.

Roll call on Senate Bill No. 431:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Senate Bill 496 authorizes a holder of a certificate of public convenience and necessity to lease a limousine to an independent contractor who is not a certificate holder, upon approval of the Nevada Transportation Authority.

Roll call on Senate Bill No. 496:

YEAS—38.

NAYS—Miller.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 538.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Senate Bill 538 creates the Office for New Americans in the Office of the Governor and requires the Governor to appoint a Director to advise the Governor and each state agency on all matters relating to the formulation and implementation of policies, programs, and procedures affecting immigrants in this state.

Roll call on Senate Bill No. 538:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Titus, Wheeler—10.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 250 provides that before a supplier of water may require the dedication of a right to appropriate water in order to ensure a sufficient supply to certain parcels, the dedication requirement must be the subject of an ordinance, rule, regulation, or any other requirement adopted by the supplier of water and must be based on reliable data and demand estimating procedures. The bill also provides that with certain exceptions, the supplier of water is prohibited from selling, leasing, conveying, or transferring a right to appropriate water that has been previously dedicated.

Roll call on Senate Bill No. 250:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 297 requires the owner or operator of a building equipped with a fire or smoke damper or combination of the two to have the unit inspected by a certified technician as often as required by the International Fire Code. Moreover, the bill requires the technician to report malfunctions or defects discovered during the inspection to the building owner or operator, the State Fire Marshal, and the governing body of the county or city where the building is located. Assembly Bill 297 includes a General Fund appropriation of \$276,098 in FY 2020 and \$210,856 in FY 2021 to the State Fire Marshal to pay the personnel for facility identification and inspection, equipment testing, and related administrative duties.

Roll call on Assembly Bill No. 297:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

This is an electric vehicle license plate bill.

Roll call on Senate Bill No. 181:

YEAS—38.

NAYS—Assefa.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 181 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 534 transfers the administration of the process that governs the determination of eligibility for compensation from the Fund for the Compensation of Victims of Crime from the Department of Administration and the State Board of Examiners to the Department of Health and Human Services.

Roll call on Assembly Bill No. 534:

YEAS—38.

NAYS—Daly.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Assembly Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblymen Smith and Kramer.

ASSEMBLYMAN SMITH:

Senate Bill 12 expands the authorized uses of the revenue collected from the surcharge that a board of county commissioners may impose for enhancement of the telephone system for reporting an emergency. The bill establishes the order of priority that the revenue collected from the surcharge may be expended.

ASSEMBLYMAN KRAMER:

This was set up—911 fees were set up for the operation of dispatch. It was not set up for salaries; it was set up for the equipment, the software, the hardware to run dispatch. This has been enhanced since then to do bodycams and now it is being enhanced again. When we take a bill that passed for a particular reason and citizens get behind it, and then we keep expanding the scope of it, is how we lose the trust of the people we are here to represent. I urge you to vote no on this.

Roll call on Senate Bill No. 12:

YEAS—27.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 48, 221, and 163 be taken from the Chief Clerk's desk and placed at the top of General File

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 186 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 48, in its first reprint, authorizes the board of county commissioners in all counties except Clark and Washoe to impose a tax of up to 5 cents per gallon on diesel fuel. The bill specifies that any ordinance imposing the diesel fuel tax must be adopted by a two-thirds majority vote of the board of county commissioners or by a majority of the voters at a general election. Senate Bill 48 also establishes provisions for implementing the International Fuel Tax Agreement refund provisions within rural counties that impose the diesel fuel tax and that sell more than 10 million gallons of diesel fuel per year. Finally, Senate Bill 48 provides for a portion of the diesel fuel taxes collected in a county to be distributed to the Department of Transportation for the construction, maintenance, and repair of highway truck parking in that county.

Roll call on Senate Bill No. 48:

YEAS—29.

NAYS—Ellison, Hafen, Hansen, Hardy, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—10.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblymen Edwards and Carlton.

ASSEMBLYMAN EDWARDS:

Senate Bill 221 revises provisions governing how trespass warnings are to be marked, painted, and posted and removes distinctions based on how the land is being used. It also adds a definition of “cultivated land” and adds “using the area as cultivated land” to the list of methods that are sufficient to warn against trespassing.

ASSEMBLYWOMAN CARLTON:

To the descriptor of the bill, what type of markings will be involved?

ASSEMBLYMAN EDWARDS:

They are going to be painting the posts and putting up signs.

ASSEMBLYWOMAN CARLTON:

And we are supposed to be able to see signs from 500 feet?

ASSEMBLYMAN EDWARDS:

With good eyes.

Roll call on Senate Bill No. 221:

YEAS—35.

NAYS—Assefa, Carlton, Flores, McCurdy—4.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 163 includes “blockchain” and “public blockchain” within the definition of an accepted “electronic transmission” in relation to business communications and authorizes various businesses, including nonprofit corporations to conduct recordkeeping via blockchain or public blockchain. This bill becomes effective October 1, 2019.

Roll call on Senate Bill No. 163:

YEAS—37.

NAYS—Carlton, Miller—2.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 142, 233, 280, 335, 347, 362, 370, 385, 387, 398, 406, 410, 413, 430, 431, 432, 448; Senate Bills Nos. 30, 46, 103, 104, 201, 262, 270, 315, 383; Senate Concurrent Resolution No. 8.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:17 p.m.

ASSEMBLY IN SESSION

At 11:42 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 186 and 197 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 186.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 968.

SUMMARY—Revises provisions governing the practice of physical therapy ~~+~~ **and the practice of athletic training.** (BDR 54-514)

AN ACT relating to ~~physical therapy;~~ **professions;** expanding the scope of practice of physical therapy **and athletic training** to include the performance of dry needling under certain circumstances; requiring the Nevada Physical Therapy Board **and the Board of Athletic Trainers** to adopt regulations relating to dry needling; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of **:(1)** physical therapists by the Nevada Physical Therapy Board ~~+~~ **;(Chapter) ; and (2) athletic trainers by the Board of Athletic Trainers. (Chapters 640 and 640B** of NRS) Existing law **:(1)** authorizes the **Nevada Physical Therapy Board** to adopt regulations to carry out its powers and duties relating to physical therapy ~~+~~ **;(2) requires the Board of Athletic Trainers to adopt regulations to carry out its powers and duties relating to athletic training.** (NRS ~~640.050~~ **Section) 640.050, 640B.260** Sections **6 and 11** of this bill ~~requires~~ **require** the **Nevada Physical Therapy Board and the Board of Athletic Trainers** to adopt regulations establishing the qualifications a physical therapist **or an athletic trainer, as applicable,** must obtain before he or she is authorized to perform dry needling. ~~Section) Sections 6 requires~~ **and 11 require** these qualifications to include the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the **appropriate** Board. ~~Section) Sections 6 and 11 further requires~~ **require** the **appropriate** Board to adopt regulations establishing procedures: (1) concerning the handling of needles used to perform dry needling, including procedures for the disposal of a needle after a single use; and (2) to ensure that a physical therapist **or athletic trainer** does not engage in needle retention. ~~Section) Sections 3 and 9~~ of this bill ~~prohibits~~ **prohibit** a physical therapist **or an athletic trainer** who is qualified to perform dry needling from inserting the same needle more than once during the performance of dry needling. ~~Section) Sections 2 and 8~~ of this bill ~~defines~~ **define** “dry needling,” and ~~section) sections 5 and 10~~ of this bill ~~includes~~ **include** dry needling in the scope of practice of physical therapy for qualified physical therapists ~~+~~ **and athletic trainers.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. “Dry needling”:

1. Means a skilled technique performed by a physical therapist using a single-use, single-insertion, sterile filiform needle, which is used to penetrate the skin or underlying tissue to effect change in body conditions, pain, movement, impairment and disability.

2. *Does not include:*

- (a) *The stimulation of an auricular point;*
- (b) *The stimulation of sinus points or other nonlocal points to treat underlying organs;*
- (c) *Needle retention; or*
- (d) *The teaching or application of acupuncture.*

Sec. 3. *A physical therapist who is qualified to perform dry needling pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050 shall not insert the same needle more than one time during the performance of dry needling.*

Sec. 4. NRS 640.011 is hereby amended to read as follows:

640.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 640.013 to 640.026, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 640.024 is hereby amended to read as follows:

640.024 “Practice of physical therapy”:

- 1. Includes:
 - (a) The performing and interpreting of tests and measurements as an aid to evaluation or treatment;
 - (b) The planning of initial and subsequent programs of treatment on the basis of the results of tests; ~~and~~
 - (c) The administering of treatment through the use of therapeutic exercise and massage, the mobilization of joints by the use of therapeutic exercise without chiropractic adjustment, mechanical devices, and therapeutic agents which employ the properties of air, water, electricity, sound and radiant energy ~~††~~; **and**
 - (d) *The performance of dry needling, if a physical therapist is qualified to do so pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050.*

2. Does not include:

- (a) The diagnosis of physical disabilities;
- (b) The use of roentgenic rays or radium;
- (c) The use of electricity for cauterization or surgery; or
- (d) The occupation of a masseur who massages only the superficial soft tissues of the body.

Sec. 6. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall:

- (a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto;
- (b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;
- (c) Investigate any complaint filed with the Board against a licensee; and

(d) Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist assistants and physical therapist technicians.

3. *The Board shall adopt regulations establishing:*

(a) *The qualifications a physical therapist must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.*

(b) *Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.*

(c) *Procedures to ensure that a physical therapist does not engage in needle retention.*

4. The Board shall prepare and maintain a record of its proceedings, including, without limitation, any disciplinary proceedings.

~~4.~~ 5. The Board shall maintain a list of licensed physical therapists authorized to practice physical therapy and physical therapist assistants licensed to assist in the practice of physical therapy in this State.

~~5.~~ 6. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

~~6.~~ 7. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist assistant and inspect the premises to determine whether a violation of any provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.

~~7.~~ 8. Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 7. Chapter 640B of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. “Dry needling”:

1. Means a skilled technique performed by an athletic trainer using a single-use, single-insertion, sterile filiform needle, which is used to penetrate the skin or underlying tissue to effect change in body conditions, pain, movement, impairment and disability.

2. Does not include:

(a) The stimulation of an auricular point;

(b) The stimulation of sinus points or other nonlocal points to treat underlying organs;

(c) Needle retention; or

(d) The teaching or application of acupuncture.

Sec. 9. An athletic trainer who is qualified to perform dry needling pursuant to the regulations adopted in accordance with subsection 5 of NRS 640B.260 shall not insert the same needle more than one time during the performance of dry needling.

Sec. 9.5. NRS 640B.005 is hereby amended to read as follows:

640B.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640B.011 to 640B.120, inclusive, **and section 8 of this act** have the meanings ascribed to them in those sections.

Sec. 10. NRS 640B.090 is hereby amended to read as follows:

640B.090 1. “Practice of athletic training” means:

(a) The prevention, recognition, assessment, management, treatment, disposition or reconditioning of the athletic injury of an athlete:

(1) Whose condition is within the professional preparation and education of the licensed athletic trainer; and

(2) That is performed under the direction of a physician;

(b) The organization and administration of programs of athletic training;

(c) The administration of an athletic training room;

(d) The provision of information relating to athletic training to members of the public;

(e) The performance of dry needling under the direction of a physician, if an athletic trainer is qualified to do so pursuant to the regulations adopted in accordance with subsection 5 of NRS 640B.260; or

~~(e)~~ **(f) Any combination of the activities described in paragraphs (a) to (d), (e), inclusive.**

2. The term does not include the diagnosis of a physical disability, massaging of the superficial soft tissues of the body or the use of X-rays, radium or electricity for cauterization or surgery.

Sec. 11. NRS 640B.260 is hereby amended to read as follows:

640B.260 The Board shall adopt regulations to carry out the provisions of this chapter, including, without limitation, regulations that establish:

1. The passing grades for the examinations required by NRS 640B.310 and 640B.320. ~~(f)~~

2. Appropriate criteria for determining whether an entity is an intercollegiate athletic association, interscholastic athletic association, professional athletic organization or amateur athletic organization. ~~;~~

3. The standards of practice for athletic trainers. ~~;~~ ~~and~~

4. The requirements for continuing education for the renewal of a license of an athletic trainer. The requirements must be at least equivalent to the requirements for continuing education for the renewal of a certificate of an athletic trainer issued by the National Athletic Trainers Association Board of Certification or its successor organization.

5. The qualifications an athletic trainer must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.

6. Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.

7. Procedures to ensure that an athletic trainer does not engage in needle retention.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 197.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 967.

AN ACT relating to trade practices; prohibiting the importation and sale of cosmetics for which testing was performed on an animal; providing ~~in a civil penalty;~~ **penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits, under certain circumstances, a manufacturer from importing, selling or offering for sale in this State any cosmetic for which testing was performed on certain animals. This bill provides certain exemptions to the prohibition for certain animal testing that is performed pursuant to federal, state or foreign regulatory requirements or before a certain date. This bill also ~~;~~ ~~(1) provides that a manufacturer that violates the prohibition is liable for certain civil penalties, punitive damages, costs and fees; and (2) authorizes any person to maintain an action against a manufacturer that violates the prohibition and to seek an injunction and reasonable attorney's fees and costs.~~ **makes a violation of the prohibition a deceptive trade practice subject to the civil and criminal penalties applicable thereto. (NRS 598.0999).** ~~If ~~such an~~ a civil or criminal action~~

which is brought for a violation of the prohibition involves any trade secrets, existing law **also** provides protections for the trade secrets. (NRS 49.325, 600A.070)

Additionally, this bill prohibits any political subdivision of this State or agency thereof from establishing or continuing prohibitions that are not identical to the provisions of this bill. This bill also allows an inventory of cosmetics which is otherwise in violation of the prohibition on or relating to animal testing to be sold on or before June 30, 2020.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~597~~ **598** of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, a manufacturer shall not import for profit, sell or offer for sale in this State any cosmetic for which the manufacturer knew or reasonably should have known that animal testing was conducted or contracted by or on behalf of the manufacturer or any supplier of the manufacturer if the animal testing was conducted on or after January 1, 2020.*

2. *The prohibition in subsection 1 does not apply to animal testing that is conducted:*

(a) *To comply with a requirement of a federal or state regulatory agency if:*

(1) *The cosmetic or ingredient in the cosmetic which is tested is in wide use and cannot be replaced by another ingredient which is capable of performing a similar function;*

(2) *A specific human health problem relating to the cosmetic or ingredient is substantiated and the need to conduct animal testing is justified and supported by a detailed protocol for research that is proposed as the basis for the evaluation of the cosmetic or ingredient; and*

(3) *There does not exist a method of testing other than animal testing that is accepted for the relevant purpose by the federal or state regulatory agency.*

(b) *To comply with a requirement of a regulatory agency of a foreign jurisdiction, if no evidence derived from such testing was relied upon to substantiate the safety of a cosmetic sold within this State by the manufacturer.*

(c) *On any product or ingredient in the cosmetic subject to the requirements of Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.*

(d) ~~For~~ *Except as otherwise provided in this paragraph, for purposes unrelated to cosmetics pursuant to a requirement of a federal, state or foreign regulatory agency, if provided that no evidence derived from such testing was relied upon to substantiate the safety of a cosmetic sold within this State by the manufacturer. ~~A manufacturer is not prohibited from~~*

~~reviewing, assessing or retaining evidence from animal testing which is conducted pursuant to this paragraph.] If evidence from such testing was relied upon for that purpose, the prohibition in subsection 1 does not apply if:~~

~~(1) Documentary evidence exists of the intent of the test which was unrelated to cosmetics; and~~

~~(2) The ingredient that was the subject of the testing has been used for purposes unrelated to cosmetics for not less than 12 months before the earliest date of the testing.~~

~~3. This section does not apply to:~~

~~(a) A cosmetic if the cosmetic in its final form was tested on animals before January 1, 2020, even if the cosmetic is manufactured on or after that date; ~~or~~~~

~~(b) An ingredient in a cosmetic if the ingredient was sold in this State and was tested on animals before January 1, 2020, even if the ingredient is manufactured on or after that date ~~or~~; or~~

~~(c) A manufacturer of cosmetics that reviews, assesses or retains evidence obtained from animal testing.~~

~~4. ~~A manufacturer that violates the provisions of subsection 1 is liable for:~~~~

~~(a) A civil penalty of not more than:~~

~~(1) For the first violation, \$2,500; and~~

~~(2) For the second or subsequent violation, \$5,000 for each violation;~~

~~(b) Punitive damages of not more than \$10,000, if the facts warrant; and~~

~~(c) The costs incurred to recover the civil penalty and, if applicable, punitive damages, including, without limitation:~~

~~(1) The costs, if any, of conducting an investigation into the violation;~~

~~(2) Reasonable costs specified in NRS 18.005; and~~

~~(3) Reasonable attorney's fees.~~

~~5. An action to recover the civil penalty and, if applicable, punitive damages may be brought by any person, including, without limitation, a consumer, a governmental agency, the Attorney General, a district attorney, a city attorney or a nonprofit organization that has an interest in preventing a manufacturer from violating the provisions of subsection 1, as appropriate. The action may be instituted in any court of competent jurisdiction in the city or county in which:~~

~~(a) Either party resides;~~

~~(b) The defendant may be found; or~~

~~(c) The violation occurred.~~

~~6. Except as otherwise provided in this subsection, any money awarded by a court pursuant to this section must be awarded to the person or governmental entity that brought the action. If a court imposes punitive damages pursuant to paragraph (b) of subsection 4, the amount of punitive damages:~~

~~(a) Must be awarded to the county in which the action was brought and used for costs associated with the shelter, care and impoundment of mistreated animals; and~~

~~(b) Is separate from, and in addition to, any other penalty, costs or fees awarded to the person or governmental entity that brought the action.~~

~~7. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.~~

~~8. In addition to any other remedy provided by law, any person may maintain an action against a manufacturer that violates the provisions of subsection 1, seek to enjoin the importation for profit, sale or offer for sale in this State a cosmetic described in subsection 1 and seek reasonable attorney's fees and costs.~~

~~9. No county, city, local government or other political subdivision of this State or agency thereof may establish or continue any prohibition on or relating to animal testing that is not identical to the prohibitions set forth in this section and that does not include the exemptions contained in this section.~~

~~10. 5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.~~

~~6. As used in this section:~~

~~(a) "Animal testing" means the internal or external application of a cosmetic, either in its final form or any ingredient thereof, to the skin, eyes or other body part of a live, nonhuman vertebrate.~~

~~(b) "Consumer" means a natural person.~~

~~(c) "Cosmetic" means any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, including, without limitation, personal hygiene products such as deodorant, shampoo or conditioner.~~

~~(d) (c) "Ingredient" has the meaning ascribed to it in 21 C.F.R. § 700.3(e).~~

~~(e) (d) "Manufacturer" means any person whose name appears on the label of a cosmetic pursuant to the requirements of 21 C.F.R. § 701.12.~~

~~(f) (e) "Supplier" means any entity that supplies, directly or through a third party, any ingredient used by a manufacturer in the formulation of a cosmetic.~~

Sec. 2. An inventory of cosmetics which is otherwise in violation of section 1 of this act on January 1, 2020, may be sold on or before June 30, 2020.

Sec. 3. This act becomes effective on January 1, 2020.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 186.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 186 expands the scope of practice of athletic trainers and physical therapists to include the performance of dry needling, under certain circumstances, and requires the Board of Athletic Trainers and the Nevada Physical Therapy Board to adopt certain regulations related to dry needling, including qualifications an athletic trainer or physical therapist must obtain before he or she is authorized to perform dry needling and procedures concerning the handling of needles used to perform dry needling.

Roll call on Senate Bill No. 186:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblymen Monroe-Moreno, Edwards, Cohen, and Tolles.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 197 prohibits a manufacturer from importing, selling, or offering for sale any cosmetics for which the manufacturer knew, or should have known, that animal testing was conducted if the animal testing was conducted on or after January 1, 2020.

ASSEMBLYMAN EDWARDS:

This is one of those bills that always sounds good, but I just really do not like the mentality behind it. Animals are animals and sometimes you have to test on them. The FDA [Federal Drug Administration] requires testing on animals to make sure that the humans get the benefits and do not get harmed. I know it is kind of distasteful to some folks but, frankly, it has to be done. I think we need to get over the idea that it is going to be so bad for them and just face the fact that we need to do it in some cases rather than take the approach that every animal always has to live a happy life. It does not work that way. The fact is we are on the planet, we are going to have to do testing, and they are at the bottom of the food chain. I know that is a little bit harsh, but that is reality. To fight it, I am sorry, just does not work. I am going to ask that all of you oppose this bill because of the mindset behind it.

ASSEMBLYWOMAN COHEN:

I rise in support of Senate Bill 197. The bill provides certain exemptions to the prohibition if the animal testing is conducted to comply with the requirement of a federal, state, or foreign regulatory agency. Additionally, the bill prohibits a political subdivision of a state from establishing or continuing prohibitions that are not identical to the provisions of this bill.

If one make-up company can make lipstick that does not test on animals, I think another lipstick company can make a lipstick that does not test on animals. I urge your support of the bill.

ASSEMBLYWOMAN TOLLES:

I rise in support of this. Sometimes you just should not put lipstick on a pig.

Roll call on Senate Bill No. 197:

YEAS—31.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Wheeler—8.

EXCUSED—Hambrick, Neal—2.

VACANT—1.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

Assemblywoman Cohen requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN COHEN:

I want to make sure to put on the record this day in my remarks that this weekend, my grandmother Min is turning 99. I hope everyone will make remarks and wish her a happy birthday on Facebook when I post her picture tomorrow night. She loves all of her Facebook friends.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 27, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:51 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly